United Nations

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

General Assembly
Official Records
Fifty-fourth session
Supplement No. 47 (A/54/47)

General Assembly
Official Records
Fifty-fourth session
Supplement No. 47 (A/54/47)

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

United Nations • New York, 2000

Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[25 July 2000]

Contents

Chapter		Paragraphs	Page
I.	Introduction	1–4	1
II.	Proceedings of the Working Group during the fifty-fourth session of the General Assembly	5–30	2
	A. First session of the Working Group	7–13	2
	B. Second session of the Working Group	14–16	3
	C. Third session of the Working Group	17–20	3
	D. Fourth session of the Working Group	21–24	3
	E. Fifth session of the Working Group	25–30	4
III.	Recommendations	31	5

Annexes

		Page
I.	General Assembly resolution 48/26 of 3 December 1993	6
II.	General Assembly resolution 53/30 of 23 November 1998	7
III.	Programme of work of the Working Group during the fifty-fourth session of the General Assembly	8
IV.	Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"	9
V.	Conference room paper submitted by the Bureau of the Working Group, entitled "Working methods of the Security Council and transparency of its work"	15
VI.	Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"	33
VII.	Letter dated 31 March 2000 from the Permanent Representative of Germany to the President of the General Assembly in his capacity as Chairman of the Working Group, concerning the introduction of an obligation to explain the use of a veto	45
VIII.	Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"	46
IX.	Conference room paper submitted by the Bureau of the Working Group, entitled "Working methods of the Security Council and transparency of its work"	60

X. Letter dated 5 July 2000 from the delegation of Italy to the Bureau of the Working Group concerning legal observations on the notion of permanent membership on the Security Council 78

XI. Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council" 82

XII. Conference room paper submitted by the Bureau of the Working Group, entitled "Working methods of the Security Council and transparency of its work" 97

XIII. Conference room paper submitted by the Bureau of the Working Group, entitled "Suggested general observations and recommendations for inclusion in the 2000 report of the Working Group" 116

Chapter I

Introduction

1. In its resolution 48/26 of 3 December 1993, the General Assembly decided to establish an Open-ended Working Group to consider all aspects of the question of increase of the membership of the Security Council and other matters related to the Security Council (for the full text of the resolution, see annex I).

2. The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council began its deliberations in January 1994. The mandate of the Working Group was extended by the General Assembly at its forty-eighth through fifty-third sessions.[1] Reports on the progress of its work were submitted by the Working Group to the General Assembly at its forty-eighth through fifty-third sessions.[2]

3. On 23 November 1998, the General Assembly adopted resolution 53/30 with regard to one of the agenda items of the Working Group, namely, "Majority required for taking decisions on Security Council reform" (for the full text of the resolution, see annex II).

4. On 13 September 1999, in its decision 53/487, the General Assembly decided that the Open-ended Working Group should continue its work and submit a report to the Assembly before the end of the fifty-fourth session, including any agreed recommendations. The present report has been prepared and submitted pursuant to that decision.

Chapter II

Proceedings of the Working Group during the fifty-fourth session of the General Assembly

5. The President of the General Assembly, Theo-Ben Gurirab (Namibia), served as Chairman of the Working Group. Ambassadors Hans Dahlgren (Sweden) and John de Saram (Sri Lanka) were reappointed on 6 March 2000 as Vice-Chairmen of the Working Group.

6. During the fifty-fourth session of the General Assembly, the Open-ended Working Group held five substantive sessions as follows: first session, 6 to 15 March 2000; second session, 3 to 5 April 2000; third session, 2 to 12 May 2000; fourth session, 12 to 14 June 2000; and fifth session, 10 to 21 July 2000. A total of 32 meetings were held during the five sessions, during which delegations made written as well as oral proposals related to the issues discussed. Reference was made to proposals and/or position papers submitted during previous sessions and annexed to previous reports of the Working Group. All proposals remain on the table. The Working Group affirmed that the work of the General Assembly on Security Council reform should be conducted in conformity with the relevant Assembly resolutions, fully respecting the need for transparency and open-endedness.

A. First session of the Working Group

7. At its first session, from 6 to 15 March 2000, the Working Group adopted its programme of work (see annex III).

8. The Working Group agreed that it should, in the light of its discussions in preceding years, in particular its discussions in 1999, continue: (a) its consideration of cluster I issues; namely, issues arising under the second item (Decision-making in the Security Council, including the veto), the third item (Expansion of the Security Council), and the fourth item (Periodic review of the enlarged Security Council) of its programme of work; and (b) its consideration of cluster II issues, namely, issues arising under the first item (Working methods of the Security Council and transparency of its work) of its programme of work.

9. The Working Group agreed that cluster I and cluster II issues should continue to be considered by the Working Group in tandem, meaning that the Working Group should, in terms of time and emphasis, consider cluster I and cluster II issues in a similar and balanced manner.

10. Meetings of the Working Group were chaired, when the Chairman of the Working Group was not present, by each of the Vice-Chairmen alternately.

11. For its discussion of cluster I issues, the Working Group had before it its report to the fifty-third session of the General Assembly[3] and a conference room paper prepared by the Bureau of the Working Group (A/AC.247/2000/CRP.2; see annex IV).

12. For its discussion of cluster II issues, the Working Group had before it a conference room paper prepared by the Bureau of the Working Group (A/AC.247/1999/CRP.3/Rev.1; see annex IX).[4] The Working Group completed a

reading of this conference room paper that had been begun but not completed by the Working Group in 1999.

13. In response to an invitation from the Working Group, the then President of the Security Council, Ambassador Anwarul Chowdhury (Bangladesh), and two former Presidents of the Security Council, Ambassadors Jeremy Greenstock (United Kingdom) and Arnoldo Listre (Argentina), attended the Working Group and spoke of steps taken by the Security Council with a view to ensuring greater openness and transparency in procedures.

B. Second session of the Working Group

14. At its second session, from 3 to 5 April 2000, the Working Group continued its consideration of cluster I and cluster II issues.

15. The Working Group's consideration of cluster I issues proceeded on the basis of a conference room paper (A/AC.247/2000/CRP.2 referred to above).

16. The Working Group's consideration of cluster II issues proceeded on the basis of a revised consolidated conference room paper prepared by the Bureau of the Working Group (A/AC.247/2000/CRP.3; see annex V), having regard to paragraphs provisionally agreed and proposals made in the Working Group's consideration of conference room paper A/AC.247/1999/CRP.3/Rev.1 referred to above.

C. Third session of the Working Group

17. At its third session, from 2 to 12 May 2000, the Working Group continued its consideration of cluster I and cluster II issues.

18. The Working Group's consideration of cluster I issues proceeded on the basis of conference room paper A/AC.247/2000/CRP.2 referred to above and a revised conference room paper prepared by the Bureau of the Working Group (A/AC.247/2000/CRP.2/Rev.1; see annex VI), having regard to a number of observations made in the Working Group with reference to inadequacies of conference room paper A/AC.247/2000/CRP.2.

19. In addition, Germany submitted a letter (A/AC.247/2000/CRP.4; see annex VII) concerning its proposal on the introduction of an obligation to explain the use of a veto.

20. The Working Group's consideration of cluster II issues proceeded on the basis of conference room paper A/AC.247/2000/CRP.3 referred to above.

D. Fourth session of the Working Group

21. At its fourth session, from 12 to 14 June 2000, the Working Group continued its consideration of cluster I and cluster II issues.

22. The Working Group's consideration of cluster I issues continued on the basis of conference room paper A/AC.247/2000/CRP.2/Rev.1 referred to above.

23. The Working Group's consideration of cluster II issues continued on the basis of conference room paper A/AC.247/2000/CRP.3 referred to above. A first reading of this conference room paper was completed.

24. In response to a request by the Working Group, Secretariat officials from the Department of Political Affairs and Department of General Assembly and Conference Services briefed the Group regarding the time required for the preparation and processing of the annual report of the Security Council to the General Assembly.

E. Fifth session of the Working Group

25. At its fifth session, from 10 to 21 July, the Working Group continued its consideration of cluster I and cluster II issues.

26. Italy submitted a letter (A/AC.247/2000/CRP.5; see annex X) concerning legal observations on the notion of permanent membership on the Security Council.

27. The Working Group's consideration of cluster I issues continued on the basis of a revised conference room paper prepared by the Bureau of the Working Group (A/AC.247/2000/CRP.2/Rev.2; see annex VIII). As a result of this discussion, the Bureau of the Working Group prepared a further revised conference room paper (A/AC.247/2000/CRP.2/Rev.3; see annex XI).

28. The Working Group's consideration of cluster II issues continued on the basis of a revised conference room paper prepared by the Bureau of the Working Group (A/AC.247/2000/CRP.3/Rev.1; see annex IX). As a result of this discussion, the Bureau of the Working Group prepared a further revised conference room paper (A/AC.247/2000/CRP.3/Rev.2; see annex XII).

29. At the fifth session, the Working Group also considered its report to the General Assembly, in part on the basis of a conference room paper prepared by the Bureau of the Working Group with suggested general observations and recommendations (A/AC.247/2000/CRP.6; see annex XIII).

30. There was no agreement this year on any general observations.

Chapter III
Recommendations

31. At its 32nd meeting, on 21 July 2000, the Open-ended Working Group concluded its work for the current session of the General Assembly. It decided to recommend that consideration of this item be continued at the fifty-fifth session of the Assembly, building upon the work done during the previous sessions and with a view to facilitate the process of reaching general agreement. To that end, the Working Group recommends to the General Assembly the adoption of the following draft decision:

> "The General Assembly, recalling its previous resolutions and decisions relevant to, and having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, established pursuant to its resolution 48/26 of 3 December 1993:
>
> (a) Takes note of the report of the Working Group on its work during the fifty-fourth session of the General Assembly;
>
> (b) Welcomes the progress so far achieved in the consideration of the issues dealing with the working methods of the Security Council as provisional agreement has been recorded on a large number of issues, and urges the Open-ended Working Group to continue exerting efforts during the fifty-fifth session to achieve progress in the consideration of all aspects of the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council;
>
> (c) Decides that the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council should be considered during the fifty-fifth session of the General Assembly, and further decides that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth through fifty-fourth sessions, as well as the views to be expressed during the fifty-fifth session of the Assembly, and submit a report to the Assembly before the end of the fifty-fifth session, including any agreed recommendations."

Notes

[1] See General Assembly decisions 48/498, 49/499, 50/489, 51/476, 52/490 and 53/487.

[2] *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 47* (A/48/47); ibid., *Forty-ninth Session, Supplement No. 47* (A/49/47); ibid., *Fiftieth Session, Supplement No. 47* (A/50/47/Rev.1); ibid., *Fifty-first Session, Supplement No. 47* (A/51/47 and Corr.1); ibid., *Fifty-second Session, Supplement No. 47* (A/52/47); and ibid., *Fifty-third Session, Supplement No. 47* (A/53/47).

[3] Ibid., *Fifty-third Session, Supplement No. 47* (A/53/47).

[4] Ibid., annex XI.

Annex I

General Assembly resolution 48/26 of 3 December 1993

Question of equitable representation on and increase in the membership of the Security Council

The General Assembly,

Recalling its resolution 47/62 of 11 December 1992,

Noting with appreciation the report of the Secretary-General which reflected the views of a number of Member States on the agenda item entitled "Question of equitable representation on and increase in the membership of the Security Council",

Recalling also the relevant provisions of the Charter of the United Nations, especially Article 23,

Recalling further that the Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf,

Recognizing the need to review the membership of the Security Council and related matters in view of the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations,

Bearing in mind the need to continue to enhance the efficiency of the Security Council,

Reaffirming the principle of the sovereign equality of all Members of the United Nations,

Acting in accordance with the purposes and principles of the Charter,

Mindful of the importance of reaching general agreement,

1. *Decides* to establish an Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council;

2. *Requests* the Open-ended Working Group to submit a report on the progress of its work to the General Assembly before the end of its forty-eighth session;

3. *Decides* to include in the provisional agenda of its forty-eighth session an item entitled "Question of equitable representation on and increase in the membership of the Security Council and related matters".

Annex II

General Assembly resolution 53/30 of 23 November 1998

Question of equitable representation on and increase in the membership of the Security Council and related matters

The General Assembly,

Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, *determines* not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly.

Annex III

Programme of work of the Working Group during the fifty-fourth session of the General Assembly*

1. **Working methods of the Security Council and transparency of its work.**
2. **Decision-making in the Security Council, including the veto.**
3. **Expansion of the Security Council:**
    - **(a) Total size of the enlarged Security Council;**
    - **(b) Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation);**
    - **(c) Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership).**
4. **Periodic review of the enlarged Security Council.**
5. **Other matters.**
6. **Report of the Open-ended Working Group to the General Assembly.**

---

* **Previously issued as document A/AC.247/2000/CRP.1.**

Annex IV

Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"*

I. Introduction

In this paper, the Bureau of the Open-ended Working Group has made an attempt to list proposals and issues, previously raised in the Working Group or in the General Assembly, as the members of the Bureau have understood them, regarding items 2, 3 and 4 of the programme of work: decision-making in the Security Council, including the veto; expansion of the Security Council; and periodic review of the enlarged Security Council.

The Bureau is well aware that this paper may not cover all current proposals and issues in cluster I, and that many suggestions can be added. It is the hope of the Bureau that a conference room paper of this kind, being developed as the debate in the Group moves forward, will be helpful to the efforts to identify areas where agreement may be possible; where further consultations are needed; and where no agreement may now seem possible. It could also be seen as an instrument to engage even more delegations in the discussion of major cluster I issues.

II. Decision-making in the Security Council, including the veto

A. The veto as a voting instrument in the Security Council

In last year's report from the Open-ended Working Group, the following was stated under general observations:

> "In the context of the discussion of the Working Group, the question of the enlargement of the Security Council implies the consideration of the question of the veto."

The question of the veto is an issue of concern to all Member States, and has been widely commented upon during previous sessions of the Working Group. The following list of suggestions made during those sessions may facilitate references in the continued discussion of this issue:

Suggested options:

(1) The veto as a voting instrument should be maintained as today. **[oral statements]**

(2) The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. Such

---

* Previously issued as document A/AC.247/2000/CRP.2.

commitments should be incorporated into the rules of procedure of the Security Council. **[A/52/47, annex XI, section I.A, para. 1]**

(3) The permanent members of the Security Council should commit themselves, individually or collectively, not to resort to the veto during a given period of time (moratorium). **[oral statements]**

(4) The permanent members of the Security Council, mindful of the fact that they are acting on behalf of the United Nations as a whole, should exercise the veto only when they consider the question to be of vital importance, taking into account the interest of the United Nations as a whole, and should state in each case, in writing, on what ground they consider that condition to be present. **[A/52/47, annex XVI, para. 4.a]**

(5) The permanent members of the Security Council should endeavour not to resort to the veto or to the threat of its use. They should exercise the veto in a manner consistent with their responsibilities under the Charter. The General Assembly should adopt a declaration encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process. **[A/52/47, annex XV]**

(6) The veto should be excluded in respect of matters contained in the annex to General Assembly resolution 267 (III) of 14 April 1949, entitled "Decisions deemed procedural", updated as necessary. **[A/52/47, annex XVI, para. 4.b]**

(7) The following decisions have been suggested to be deemed procedural, in addition to those contained in the annex to resolution 267 (III):

(a) All decisions taken by the Security Council under Chapter VI of the Charter, including:

(i) Decisions to call upon the parties to a conflict to resort to peaceful means of conflict resolution;

(ii) Decisions on mediation efforts and measures of preventive diplomacy;

(iii) Decisions calling for gathering of information or for the dispatch of observers to ascertain facts;

(b) Decisions to call upon the parties to a conflict to abide by the rules of international humanitarian law;

(c) Decisions on procedural matters related to consultations with troop-contributing countries;

(d) Decisions on the timing and modalities of submitting the report of the Security Council to the General Assembly;

(e) Recommendations of the Security Council made in accordance with Articles 4, 5, 6 and 97 of the Charter;

(f) Decisions taken under Article 40 relating to provisional measures;

(g) Decisions adopted on the basis of implementing Article 50. **[A/52/47, annex XI, section I.A, para. 6]**

(8) Resolution 267 (III), with its updated annex and any agreed additional decisions deemed procedural, should be recommended to the Security Council for

adoption and incorporation into its rules of procedure. **[A/52/47, annex XI, section I.A, para. 7]**

(9) The veto should be excluded in respect of recommendations under Articles 4, 5, 6 and 97 of the Charter of the United Nations. **[A/52/47, annex XVI, para. 4.c]**

(10) The Security Council should introduce a practice whereby a permanent member would be able to cast a negative vote without such a vote constituting a veto when the member so declares. This would be similar to the current practice concerning the abstention, non-participation or absence of a permanent member in the Council's decision-making process. **[A/52/47, annex XI, section I.A, para. 3]**

(11) The Charter should be amended so that, as a first step, the veto would apply only to decisions taken under Chapter VII of the Charter, *inter alia*, through amendments to Articles 4, 5, 6, 27, 97, 108 and 109 of the Charter. **[A/52/47, annex XI, section I.B, para. 8]**

(12) Paragraph 2 of Article 27.2, pertaining to decisions on procedural matters, should be redefined. **[A/52/47, annex XI, section I.B, para. 9]**

(13) The Charter should be amended to provide, as part of the voting mechanism of the Security Council under Article 27 of the Charter, for a reference to the veto with all its specific criteria. **[A/52/47, annex XI, section I.B, para. 10]**

(14) The Charter should be amended so that at least two negative votes by permanent members of the Security Council would be required to prevent the adoption of a decision that has received the required majority. **[A/52/47, annex XI, section B, para. 12]**

(15) The Charter should be amended to provide for suspension of the veto on specific occasions, as defined by a prescribed qualified majority of the General Assembly. **[A/52/47, annex XI, section B, para. 11]**

B. The number of affirmative votes required for decisions in the Security Council

If and when it is agreed that the Council be expanded, there will also be a need to consider the number of affirmative votes required for decisions in the Security Council. That includes a consideration of whether the present action threshold of 60 per cent (9 votes out of 15) should be maintained.

III. Expansion of the Security Council

A. Last year's report

In last year's report from the Open-ended Working Group, the following was stated under general observations:

> "In order to strengthen the role and function of the Security Council, one way is to ensure a more equitable representation of the membership of the United Nations in that organ, in accordance with the sovereign equality of States and other relevant provisions of the Charter, and to make its work more transparent.

> **"A more equitable representation in the Security Council may be obtained by increasing the number of its members, taking into account the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations.**
>
> **"The number of members of an enlarged Security Council should be from 20 to 26 as a minimum."**

B. Total size of the enlarged Security Council

Suggested options:

(1) No more than 20 to 21 members;

(2) 23 to 25 members;

(3) 24 members;

(4) Not less than 26 members;

(5) Any other option. **[A/53/47, annex IX, para. 2]**

C. Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation)

Suggested issues:

(1) Increase in permanent membership:

  (a) Number of new permanent seats;

  (b) Distribution of new permanent seats;

  (c) Rotational arrangements for new permanent seats;

  (d) Procedure for designation of new permanent seats;

  (e) Extension of the veto to new permanent members;

(2) No increase in permanent membership.

D. Increase in the non-permanent membership

Suggested issues:

(1) Number of new non-permanent seats;

(2) Distribution of new non-permanent seats;

(3) Procedure for designation of new non-permanent seats.

IV. Periodic review of the enlarged Security Council

A. Last year's report

In last year's report from the Open-ended Working Group, it was stated that the scope and modalities of the periodic review of an enlarged Security Council should be further considered by the Working Group. The following list of suggestions made during previous sessions may facilitate references in the continued discussion of this issue.

Suggested options:

(1) A periodic review could be an important element in facilitating efforts towards reaching general agreement on the issues within the mandate of the Working Group. **[A/52/47, annex XXVI, section A, para. 1]**

(a) The first review should take place 10 to 20 years after the conclusion of the present reform exercise. There should be subsequent periodic reviews thereafter every 10 to 12 or 15 to 20 years. **[A/52/47, annex XXVI, section B, para. 4]**

(b) One solution would be to undertake the periodic review at a time to coincide with the expiration of the tenure of members of those regions opting for regional rotational arrangements. **[A/52/47, annex XXVI, section B, para. 4]**

(c) The periodic review should automatically be included on the agenda of the General Assembly. **[A/52/47, annex XXVI, section B, para. 5]**

(d) The review process should be concluded within two years. **[A/52/47, annex XXVI, section B, para. 5]**

(e) The scope of the review process should be comprehensive in order to address all aspects of reform, including the status of new permanent members as well as the question of the veto and accountability. **[A/52/47, annex XXVI, section C, para. 6]**

(f) The review process should also take into account the question of under-representation as well as over-representation of any region on the Council in both permanent and non-permanent categories. **[A/52/47, annex XXVI, section C, para. 6]**

(g) In order to retain their status, countries having been elected as new permanent members of the Council would need to secure, at the review process, the support of at least a two-thirds majority of the membership of the United Nations. **[A/52/47, annex XXVI, section C, para. 7]**

(h) Countries having been elected as new permanent members of the Council would continue as permanent members unless otherwise decided by a two-thirds majority of the membership of the United Nations. **[A/52/47, annex XXVI, section C, para. 7]**

(i) The periodic review should not cover the rights and obligations held by the original five permanent members. **[A/52/47, annex XXVI, section C, para. 8]**

(j) The veto should be discussed only during the periodic review. If the veto were to be extended to the new permanent members they would agree not to exercise their right until the review takes place. **[A/52/47, annex XXVI, section C, para. 9]**

(k) The time leading up to the first review could be used to prepare for a more consolidated arrangement which should include recommendations on the veto rights of the original permanent members and that of the new permanent members with a view to bridging the gap between them. **[A/52/47, annex XXVI, section C, para. 9]**

(l) The review process should not be subject to the use of the veto by the original permanent members and/or the new permanent members. **[A/52/47, annex XXVI, section D, para. 10]**

(2) A review process would be unnecessary. **[A/52/47, annex XXVI, section A, para. 3]**

Annex V

Conference room paper submitted by the Bureau of the Working Group, entitled "Working methods of the Security Council and transparency of its work"*

I. Introduction

In the present revised version of the conference room paper on the working methods of the Security Council and transparency of its work, which was reproduced in annex XI of last year's report (A/53/47), paragraphs and subparagraphs which have been provisionally agreed in the Working Group are marked with **bold typeface.** For paragraphs where there is not yet provisional agreement, amendments and suggestions presented in the discussion in the Working Group, as recorded by the Bureau, have also been listed.

II. Relationship between the Security Council, the General Assembly and the general membership of the United Nations

A. Meetings of the Security Council and informal consultations of the whole** ***

1. **Suggested improvements to the present practice:**

(a) The Security Council should, as a general rule, meet in a public format open to all States Members of the United Nations;

Suggested amendments to subparagraph (a)

(1) Insert the words "conduct its business" in place of the word "meet".

(2) Insert the words "conduct its business in public meetings" in place of the words "meet in a public format".

(3) Insert the words "should meet in a public format as frequently as practicable" in place of the words "should, as a general rule, meet in a public format".

(4) In the immediately preceding suggestion (number 3 above), insert the words "more frequently" in place of the words "as frequently as possible".

(5) Insert the words "pursue its activities" or the words "pursue its work" in place of the word "meet".

(6) Insert the words "to the extent feasible" in place of the words "as a general rule".

---

* Previously issued as document A/AC.247/2000/CRP.3.

** This title to be reviewed when we reach the stage of institutionalization.

*** This section has been suggested to be considered together with section F.

(b) Exceptionally, the Security Council may meet in private;

Suggested amendments to subparagraph (b)

(1) Delete the entire subparagraph.

(2) Insert the words "Under special circumstances" in place of the word "Exceptionally".

(c) When special circumstances so require, the members of the Security Council may meet for informal consultations of the whole;

Suggested amendments to subparagraph (c)

(1) Revise the subparagraph to read: "When the members of the Security Council agree that special circumstances so require, they may meet for informal consultations of the whole".

(2) Revise the subparagraph to read: "When the Security Council agrees that special circumstances so require, [its members]/[it] may meet for informal consultations of the whole".

(3) Revise the subparagraph to read: "When members of the Security Council determine that circumstances so require, they may meet for informal consultations of the whole".

Suggested amendments to subparagraphs (a), (b) and (c)

(1) Replace all three subparagraphs with the following subparagraph: "The Security Council should pursue its activities in public meetings open to all members of the United Nations, except when it decides to conduct private meetings (as provided for by rule 48 of the provisional rules of procedure of the Security Council), or when it agrees that exceptional circumstances require informal consultations of the whole".

(2) In the amendment under point (1) immediately above, insert the words "meet, conduct its business, and vote" in place of the words "pursue its activities".

(d) The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration;

Suggested amendment to subparagraph (d)

(1) Insert the words "in particular at the beginning of its consideration of its agenda items" in place of the words "on matters under its consideration".

(e) The Security Council should, whenever possible, meet at the ministerial level on important items;

(f) When the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of United Nations bodies, agencies or field missions report to the Security Council, they should do so, as appropriate, in a public format.

Suggested amendments to subparagraph (f)

(1) Insert the words "as a general rule" in place of the words "as appropriate".

(2) Insert the word "normally" in place of the words "as appropriate".

(3) Insert the words "when appropriate" in place of the words "as appropriate".

(4) Delete the words "as appropriate".

2. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Programme of work of the Security Council and agenda of its meetings and informal consultations of the whole*

3. Suggested improvements to the present practice:

(a) The Security Council's tentative forecast of its programme of work for the coming month should be made available to all Member States as soon as it is available to members of the Council;

(b) The calendar setting out the Security Council's provisional monthly schedule of work, and updated versions thereof, should be made available to all Member States as soon as possible after their consideration by the members of the Council;

(c) The Council should consider its monthly programme of work at a public meeting;

(d) The provisional agenda of the Security Council, with indications as to actions expected of the Council (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under "other matters", whenever they are known in advance, should be included in the *Journal of the United Nations*.

4. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

---

* This title to be reviewed when we reach the stage of institutionalization.

C. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and informal consultations of the whole*

5. Suggested improvements to the present practice:

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. The briefings should take place immediately after Council meetings or informal consultations of the whole. Interpretation should be provided for those briefings. Briefings for non-members should be closed and held no later than briefings for the media. The President of the Council will decide whether written records of such briefings should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the permanent missions to the United Nations through electronic mail;

Suggested amendments to subparagraph (a)

(1) In the second sentence, insert the word "private" between the word "Council" and the word "meetings".

(2) In the fourth sentence, insert the words "in parallel with" in place of the words "no later than".

(3) In the fourth sentence, insert the words "statements to the media" in place of the words "briefings for the media".

(4) In the fifth sentence, insert the words "including the elements of statements made by him/her to the press" between the words "such briefings" and the word "should" [agreed amendment].

(5) In the final sentence, insert the words "made available" in place of the word "transmitted".

(b) A short factual summary of the Council's informal consultations of the whole, prepared by the Secretariat in consultation with the President, should be circulated to all Member States no later than the day after. The summaries should also be transmitted to permanent missions through electronic mail;

Suggested amendments to subparagraph (b)

(1) Delete the entire subparagraph.

(2) Insert the words "a short summary of major points of discussion" in place of the words "a short factual summary".

(3) Redraft the subparagraph to take into consideration the need for confidentiality.

---

* This title to be reviewed when we reach the stage of institutionalization.

(c) Draft resolutions and draft presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items, should be made available by the President of the Security Council also to non-members of the Council as soon as such documents are tabled; or earlier, if so authorized by the author of the draft;

(d) The President, in briefing non-members of the Council, should provide information about the main elements and any new elements of draft resolutions, presidential statements and other documents under consideration by the Council.

6. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

D. Meetings with troop-contributing countries and other countries contributing to peacekeeping operations

7. Suggested improvements to the present practice:

(a) Meetings between members of the Security Council, countries which contribute troops and civilian police, and countries that make special contributions to peacekeeping operations, such as contributions to trust funds, logistic equipment and other resources, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of peacekeeping operations, including the extension and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;

Suggested amendments to subparagraph (a)

(1) In the first sentence, insert the word "and" in place of the first comma and delete the words "and countries that make special contributions to peacekeeping operations, such as contributions to trust funds, logistic equipment and other resources".

(2) Insert a new subparagraph (a) *bis* to read: "Countries that make special contributions to peacekeeping operations other than troops and civilian police — that is, contributions to trust funds, logistics and equipment — should be invited to these meetings".

(3) Insert an alternative subparagraph (a) *bis* to read: "The existing practice of inviting to these meetings countries that make special contributions to peacekeeping operations other than troops and civilian police — that is, contributions to trust funds, logistics and equipment — should continue".

(4) Insert a new subparagraph (a) *ter* to read: "The Security Council should ascertain the views of the prospective troop-contributing countries before and while drafting mandates for peacekeeping operations since these countries are primarily responsible for implementing the Council's mandate on the ground. While authorizing force, the Security Council

should adhere to the provisions of Articles 43 and 44 of the Charter of the United Nations.

(b) Meetings with troop-contributing countries and other countries contributing to peacekeeping operations should be convened and chaired by the President of the Security Council, supported by the Secretariat;

(c) The President of the Security Council should make the necessary arrangements to ensure that the meetings with troop-contributing countries and other countries contributing to peacekeeping operations are held at a time that allows those countries to adequately consider the relevant reports of the Secretary-General. The Secretariat should make these reports available at an appropriate time before such meetings;

(c) *bis* The Secretariat should make available, in all official languages, to troop-contributing countries weekly reports on field operations, which are available to members of the Security Council;

(d) Upon the request of a troop-contributing country, the President of the Council should promptly convene meetings with troop-contributing countries and other countries contributing to peacekeeping operations;

Suggested amendment to subparagraph (d)

Insert after the word "country" the words "in case of emergencies".

(e) Other countries contributing to peacekeeping operations should be invited, as appropriate, to these meetings;

Suggested amendments to subparagraph (e)

(1) Move this subparagraph to appear after suggested subparagraph (a) *bis* and renumber it (a) *ter*.

(2) Merge this subparagraph with suggested subparagraph (a) *bis*.

(f) Countries directly concerned and/or affected by peacekeeping operations, including host countries, should also, in specific circumstances and where appropriate, be invited to these meetings;

Suggested amendments to subparagraph (f)

(1) Move this subparagraph to appear after suggested subparagraph (a) *ter* and renumber it (a) *quater*.

(2) Delete the words "in specific circumstances and where appropriate".

(g) Meetings should be announced in the *Journal of the United Nations*;

(h) Immediately following meetings between Security Council members, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the contents of such meetings. Such briefings should be announced in the *Journal of the United Nations*;

(i) A written summary of meetings with troop-contributing countries, prepared by the Secretariat in consultation with the President of the Security Council, which does not compromise the confidentiality of the work of those meetings, should be made available promptly to all Member

States. Written copies of the Secretariat's briefings at those meetings should, whenever possible, be made available to troop-contributing countries upon request;

(j) **The President of the Security Council should report to the Council the views expressed by participants at troop-contributors' meetings. The Council should fully take into account these views in its deliberations.**

8. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

E. Reports of the Security Council to the General Assembly

9. **Suggested improvements to the present practice:**

(a) The annual report of the Security Council to the General Assembly should give a detailed and comprehensive account of the Council's work and it should be made available to the General Assembly no later than 30 August;

Suggested amendments to subparagraph (a)

(1) Insert after the words "annual report of the Security Council to the General Assembly" the words "submitted pursuant to Article 24 (3) of the Charter" [agreed amendment].

(2) Insert the word "factual" in place of the words "detailed and comprehensive".

(3) Insert the word "factual" between the words "comprehensive" and the word "account".

(4) Insert the word ", objective" between the word "detailed" and the words "and comprehensive".

(5) Insert the words "substantive, analytical and material" in place of the words "detailed and comprehensive".

(6) Insert the words "if possible" after the words "made available to the General Assembly".

(7) Insert the words "before the beginning of the general debate" in place of the words "no later than 30 August".

(b) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council, including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments should be balanced, comprehensive and objective and distributed as official documents to all Member States immediately after their issuance by the outgoing President. They should also be appended to the annual report of the Council to the General Assembly;

Suggested amendments to subparagraph (b)

(1) Insert in the first sentence the words "brief assessment" in place of the words "substantive and analytical assessment".

(2) Insert the words "prepared under the exclusive responsibility of the President following consultations with Council members" in the second sentence after the word "assessments".

(3) In the second sentence insert the word "objective" in place of the word "analytical".

(4) Delete in the second sentence the words "should be balanced, comprehensive and objective and".

(5) In the second sentence, insert a full stop after the words "balanced, comprehensive and objective" and replace the words "and distributed" with the words "They should be distributed".

(6) Insert the words "be made available" in place of the words "distributed as official documents".

(c) The annual report of the Security Council should also include information on the informal consultations of the whole;

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

Suggested amendment to subparagraph (e)

Replace the subparagraph with the following sentence: "The annual report should enable Member States to assess the extent to which relevant General Assembly resolutions have been taken into account by the Council in its decisions."

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account Assembly resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or other substantive work of the subsidiary organs of the Council, in particular the sanctions committees, in the appendices to the annual report;

Suggested amendments to subparagraph (f)

(1) Delete the entire subparagraph.

(2) Delete subparagraph (f) (i).

(3) Insert a new subparagraph (f) (ii) *bis* to read: "Strengthen further the section in the report on the steps taken by the Council to improve its working methods".

(4) Delete in subparagraph (f) (i) the words "as appropriate".

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

10. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

F. Participation of non-members in meetings of the Security Council and informal consultations of the whole* **

11. Suggested improvements to the present practice:

(a) The Security Council should more frequently hear the views of non-members of the Council, in public meetings at the beginning of its consideration of a substantive matter;

Suggested amendments to subparagraph (a)

(1) Delete the entire subparagraph.

(2) Insert the words "in particular" after the words "in public meetings".

(3) Merge the subparagraph with subparagraph 1 (d) in section A.

(b) When a non-member of the Security Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet the non-member in question and inform the Council about the démarche;

(c) The Security Council should fully implement Articles 31 and 32 of the Charter and rules 37 and 38 of the Council's provisional rules of procedure, so that non-members whose interests are specially affected may participate in discussions of any question brought before the Security Council. Positive consideration should be given to requests of non-members seeking to participate in such discussions;

---

* This title to be reviewed when we reach the stage of institutionalization.

** This section has been suggested to be considered together with section A.

Suggested amendments to subparagraph (c)

(1) Delete the entire subparagraph.

(2) In the first sentence, delete the reference to Article 32 and to rule 38.

(3) Insert a new subparagraph (c) *bis* to deal with the case of Article 32 and rule 38.

(4) In the first sentence, insert the words "to ensure better participation by non-members in" in place of the words "so that non-members whose interests are specially affected may participate in".

(5) In the first sentence, insert the words "or are parties to a dispute" after the words "specially affected".

(6) In the first sentence, insert the words "be invited to" between the word "may" and the word "participate".

(7) In the second sentence, insert the word "such" after the words "requests of" [agreed amendment].

(8) Delete the second sentence.

(d) The Security Council should, on a timely and regular basis, conduct consultations with countries affected by the decisions of the Council;

Suggested amendment to subparagraph (d)

Insert the words "The President of the Security Council" in place of the words "The Security Council".

(e) The members of the Security Council should, as appropriate, invite non-members of the Council to participate in their discussions during informal consultations of the whole on matters directly affecting such members, under similar arrangements as stipulated in Articles 31 and 32 of the Charter.

Suggested amendments to subparagraph (e)

(1) Delete the entire subparagraph.

(2) Delete the words "as appropriate".

(3) Revise the subparagraph to read: "The non-members of the Security Council should be invited to participate in Council discussions during informal consultations of the whole on matters directly affecting them, under similar arrangements as stipulated in Articles 31 and 32 of the Charter".

12. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

G. "Arria formula"

13. Suggested improvements to the present practice:

Members of the Security Council could, as appropriate, on the initiative of a Council member, resort to the Arria formula, as an informal way to hear views and obtain or exchange information related to issues under consideration by the Council. The level of representation of the Security Council members should be commensurate with that of those invited.

Suggested amendments

(1) Replace the first sentence with the following two sentences: "On the initiative of one of its members, and in keeping with rule 39 of its provisional rules of procedure, the Security Council could resort, as appropriate, to the Arria formula to hear views and obtain or exchange information with personalities, organizations, institutions, or whomever it considers pertinent, involved in a conflict. At no time will the Security Council receive representatives of Governments of United Nations Member States under this mechanism".

(2) In the suggested amendment (1) above, delete the reference to rule 39 in the provisional rules of procedure.

(3) In the suggested amendment (1) above, insert the words "the members of" in the first sentence before the words "the Security Council".

(4) In the suggested amendment (1) above, insert the words "based on the agreement of its members" in the first sentence after the words "Security Council".

(5) In the suggested amendment (1) above, replace the first sentence with the following two sentences: "The Security Council should fully implement rule 39 of its provisional rules of procedure. Bearing in mind this rule, the Security Council may agree to resort, as appropriate, to the Arria formula as an informal way to hear views and obtain or exchange information with personalities, organizations, institutions, or whomever it considers pertinent, involved in a conflict".

(6) In the suggested amendment (1) above, insert the words "in an informal way" in the first sentence after the words "obtain or exchange information".

(7) In the suggested amendment (1) above, delete the word "personalities" in the first sentence.

(8) In the suggested amendment (1) above, insert the words "any persons whom" in place of the words "personalities, organizations, institutions or whomever" in the first sentence.

(9) In the suggested amendment (1) above, insert the words "in accordance with Article 65 of the Charter and as provided for by the Economic and Social Council" in the first sentence after the words "personalities, organizations, institutions".

(10) In the suggested amendment (1) above, delete the words "involved in a conflict" in the first sentence.

(11) In the suggested amendment (1) above, insert the words "because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration" in place of the words "involved in a conflict" in the first sentence.

(12) In the suggested amendment (1) above, insert the words "issues before the Council" in the first sentence in place of the words "involved in a conflict".

(13) Delete the second sentence.

(14) Delete the entire section G.

14. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

15. Suggested improvements to the present practice:

Requests for meetings of the Security Council in accordance with Articles 35 and 99 of the Charter should be immediately circulated as a document of the Council, and the requested meeting should be promptly convened.

16. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

I. Consultations pursuant to Article 50 of the Charter

17. Suggested improvements to the present practice:

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned.

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter which would become immediately operational upon the receipt of such request.

Suggested amendment to subparagraph (b)

Delete the entire subparagraph.

(c) The Security Council should fully implement those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations", that are relevant to the application of Article 50 of the Charter and relate to the working methods of the Security Council and the transparency of its work.

18. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

J. Mechanism to alert non-members of the Security Council to unscheduled or weekend meetings

19. Suggested improvements to the present practice:

The Secretariat should continue to alert non-members of the Security Council of unscheduled emergency meetings of the Council, including information as to their subject matter and purpose, during nights, weekends and holidays (e.g., a voice recording, a web site, an electronic message and a facsimile transmission to all Member States).

20. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

K. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

21. Suggested improvements to the present practice:

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which Members of the Bureau of the General Assembly could be invited, when the need arises. In the event of an international crisis or any other urgent development, such consultations should be held more frequently.

(b) The President of the Security Council is requested to raise with the President of the General Assembly, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section E.9 (e) above. The President of the General Assembly should report to the Assembly on the steps taken by the Council in this regard.

(c) The President of the Security Council should brief the Chairmen of the regional groups on the programme of work of the Council at the

beginning of the month and should later continue to inform them as appropriate and as need arises.

22. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

L. Consultations with funds, programmes and agencies

23. Suggested improvements to the current practice:

In cases when the Security Council is involved in mandating humanitarian and operational assistance, the President of the Council should consult the presidents of the executive boards concerned.

Suggested amendments

(1) Revise the subparagraph to read: "The conduct of operational and humanitarian activities must conform to the guiding principles of humanitarian assistance and the principles of United Nations development assistance. In cases when, as a transitory and exceptional measure, the Security Council is involved in overseeing and mandating humanitarian and operational assistance, the President of the Council should consult the presidents of the executive boards concerned before the Council acts. The decisions of the respective executive board and of the General Assembly shall be final in all aspects of such programmes".

(2) Insert the words "the principal officers of the organizations concerned" in place of the words "the presidents of the executive boards concerned".

24. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

M. Records and archives

25. Suggested improvements to the present practice:

(a) The Security Council should review its procedures and rules for the creation and maintenance of and access to the records and archives of its private and public meetings and consultations.

Suggested amendments to subparagraph (a)

(1) Delete the words "and consultations".

(2) Insert the words "informal consultations of the whole" in place of the word "consultations".

(3) Insert the words "of the whole" at the end of the sentence.

(b) Procedures for promptly fulfilling requests for these records and archives by the accredited representatives of any member of the Security Council should be established.

Suggested amendments to subparagraph (b)

(1) Insert the word "considering" in place of the word "fulfilling".

(2) Insert the words "access to" before the words "these records".

(3) Insert the word "non-members" in place of the words "any member".

(4) Insert the words "United Nations" in place of the words "Security Council".

(5) Insert a new subparagraph (b) *bis* to read: "Members of the Security Council shall at all times have the right to consult the records of the private meetings of the Council".

(c) In its annual report to the General Assembly, the Security Council should certify that the maintenance of its records and archives meet the established international standards for the management of records and archives.

26. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

III. Subsidiary organs of the Security Council

A. Sanctions committees

27. Suggested improvements to the present practice:

(a) Summary records of the meetings of the sanctions committees, which do not compromise the confidentiality of the work of the committees, should be made available promptly to non-members of the Security Council;

(b) The sanctions committees should ensure that the administrative procedure of processing applications for exemptions from sanctions regimes is as efficient as possible in order to avoid delays in clearing applications and thus to minimize unintended adverse side effects of sanctions;

Suggested amendments to subparagraph (b)

(1) Insert a new subparagraph (b) *bis* to read: "The countries specially affected by sanctions regimes, including target countries, should be given reasonable access to sanctions committees to explain their situations directly related to the implementation of sanctions".

(2) In suggested subparagraph (b) *bis*, delete the word "reasonable".

(c) The Security Council should fully implement those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Questions of sanctions imposed by the United Nations", that are relevant to the procedures and working methods of the sanctions committees;

(d) The agenda of the formal meetings of the sanctions committees should be announced in the *Journal of the United Nations* in the same way as the agenda of the Security Council;

Suggested amendments to subparagraph (d)

(1) Delete the word "formal".

(2) Insert the word "all" in place of the words "the formal".

(d) *bis* Chairmen of sanctions committees should, as appropriate, after each meeting continue to give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should continue to be announced in the *Journal of the United Nations*;

(e) Public information on the work of the sanctions committees should be made available on the Internet and through other means of communication.

28. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Other subsidiary organs

29. Suggested improvements to the present practice:

(a) Meetings of subsidiary organs of the Council established pursuant to Article 29 of the Charter should be more transparent and their proceedings, when appropriate, open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations*, and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members.

Suggested amendments to subparagraph (a)

(1) Delete the word "more" in the first sentence.

(2) Delete the entire subparagraph.

(b) Chairmen of other subsidiary organs of the Security Council should, as appropriate after each meeting, give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should be announced in the *Journal of the United Nations*.

30. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

IV. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

31. Suggested improvements to the present practice:

In accordance with relevant provisions of the Charter, the Security Council should consider requesting more often the International Court of Justice to give an advisory opinion on any legal question.

Suggested amendments

(1) Insert the words "request more often" in place of the words "consider requesting more often".

(2) Insert the words "request as appropriate" in place of the words "consider requesting more often".

(3) Insert the words "relevant to the work of the Security Council" at the end of the sentence.

32. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Economic and Social Council

33. Suggested improvements to the present practice:

(a) In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.

34. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

V. Relationship between the Security Council and regional arrangements and agencies

35. Suggested improvements to the present practice:

(a) Efforts to enhance regional capacities should not relieve the Security Council of its obligations under the Charter of the United Nations, which confers on it the primary responsibility for the maintenance of international peace and security;

Suggested amendments to subparagraph (a)

(1) Insert the words "peacekeeping capacities of regional arrangements or agencies" in place of "regional capacities".

(2) Delete the entire subparagraph.

(b) In its relations with regional arrangements and agencies, the Security Council should fully implement the relevant provisions of General Assembly resolution 49/57 of 9 December 1994 and annex I to General Assembly resolution 51/242 of 15 September 1997, entitled "Coordination", bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security;

(c) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned.

Suggested amendment to subparagraph (c)

Insert the words "Close consultation should be maintained between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

36. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

VI. Rules of procedure and institutionalization of the measures taken by the Security Council to enhance its working methods and transparency

37. **Suggested improvements to the present practice:**

The Security Council should finalize its provisional rules of procedure. Towards this end, the following steps should be taken by the Council:

(i) The arrangements regarding various measures that the Council has already adopted to enhance its methods and transparency, as well as the new measures discussed above, should be institutionalized as proposed by this Working Group in sections II-V of the present report;

(ii) After institutionalization of the measures described in subparagraph (i) above, there should be an overall review of the provisional rules of procedure, after which the word "provisional" should be deleted.

Annex VI

Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"* **

I. Decision-making in the Security Council, including the veto

A. The veto as a voting instrument in the Security Council

(1) The members of the Security Council shall make every effort to seek consensus in the Council decision-making process. [A/52/47, annex XIV, para. 1]

(2) The permanent members of the Security Council shall make statements, either individually or collectively, that the veto will be exercised in a manner consistent with their responsibilities under the Charter of the United Nations. [A/52/47, annex XIV, para. 2]

(3) The Security Council should explore further the possibility for unilateral declarations by the permanent members containing a commitment not to resort to the veto. [A/52/47, annex III, section VI.A, para. 26 c (ii)]

(4) **The permanent members of the Security Council should endeavour not to resort to the veto or to the threat of its use. They should exercise the veto in a manner consistent with their responsibilities under the Charter. The General Assembly should adopt a declaration encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process.** [A/52/47, annex XV]

(5) The existing permanent members would state, individually or collectively, in writing, that they would commit themselves to exclude the use of the veto as recommended by the General Assembly. [A/52/47, annex XVI, para. 3.b]

(6) **The permanent members of the Security Council, mindful of the fact that they are acting on behalf of the United Nations as a whole, should exercise the veto only when they consider the question to be of vital importance, taking into account the interest of the United Nations as a whole, and should state in each case, in writing, on what ground they consider that condition to be present.** [A/52/47, annex XVI, para. 4.a]

(7) In the event of any veto of a draft resolution of the Security Council, the permanent members should accompany that decision with an explanation of such action. [A/52/47, annex XIV, para. 4]

(8) The introduction of an obligation for a State to explain to the General Assembly why it is vetoing a resolution would make it more difficult to do so and

---

* Previously issued as document A/AC.247/2000/CRP.2/Rev.1.

** Please note that items which also appeared in document A/AC.247/2000/CRP.2 (see annex IV) are marked in **bold** type.

thus bring about substantial progress towards using the right of veto more responsibly. [A/AC.247/2000/CRP.4]

(9) The permanent members of the Security Council should exercise the veto in a manner consistent with their responsibilities under the Charter. The permanent members should always provide a written justification whenever they exercise the veto. [A/52/47, annex X, section I.A, para. 2]

(10) The permanent members of the Security Council should exercise the veto in a manner consistent with their responsibilities under the Charter and in accordance with the norms of international law. The veto should be exercised only when permanent members consider the question of vital importance, taking into account the interests of the United Nations as a whole. To state upon what factual and legal ground the permanent members consider this condition to be present, they should always provide a written justification, which could be considered legally binding. [A/52/47, annex XI, section I.A, para. 2]

(11) The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. [A/52/47, annex X, section I.A, para. 1]

(12) **The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. Such commitments should be incorporated into the rules of procedure of the Security Council.** [A/52/47, annex XI, section I.A, para. 1]

(13) The General Assembly should adopt a declaration expressing its attitude towards the veto as a voting instrument in the Security Council, encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process. The declaration should also contain recommendations to the Council aimed at curtailing, limiting or discouraging the use of the veto. [A/52/47, annex X, section I.A, para. 5]

(14) The General Assembly, in accordance with Article 10 of the Charter, would make specific recommendations aimed at reducing areas where the veto can be applied. [A/52/47, annex XVI, para. 3.a]

(15) To discourage the use of the veto, the General Assembly should decide to urge the original permanent members of the Security Council to limit the exercise of their veto power to actions taken under Chapter VII of the Charter. [A/51/47, annex II, para. 4.a]

(16) The permanent members shall generally be guided by the annex to General Assembly resolution 267 (III) of 14 April 1949 regarding which matters should be deemed procedural. [A/52/47, annex XI, section I.A, para. 5]

(17) The Security Council or the General Assembly should provide a legal definition of what constitutes a procedural matter or clear criteria as to what is of a procedural nature (Article 27, paragraph 2, of the Charter). [A/52/47, annex III, section VI.A, para. 26.b (ii)]

(18) The Security Council or the General Assembly should update the annex to Assembly resolution 267 (III), containing a list of decisions deemed procedural. [A/52/47, annex III, section VI.A, para. 26.b (i)]

(19) **General Assembly resolution 267 (III), with its updated annex and any agreed additional decisions deemed procedural, should be recommended to the Security Council for adoption and incorporation into its rules of procedure.** [A/52/47, annex XI, section I.A, para. 7]

(20) **The veto should be excluded in respect of matters contained in the annex to General Assembly resolution 267 (III), entitled "Decisions deemed procedural", updated as necessary.** [A/52/47, annex XVI, para. 4.b]

(21) A legal definition of what constitutes a procedural matter in the decision-making of the Security Council should be formulated. A list of decisions of the Security Council deemed procedural should be developed, *inter alia*, through the revision of the annex to General Assembly resolution 267 (III). [A/52/47, annex X, section I.A, para. 4]

(22) **Paragraph 2 of Article 27.2, pertaining to decisions on procedural matters, should be redefined.** [A/52/47, annex XI, section I.B, para. 9]

(23) A legal definition of what constitutes a procedural matter in the decision-making of the Security Council should be formulated. In lack thereof, clear criteria as to which matters are of a procedural nature should be developed. Decisions referred to as being of a procedural nature could be based on the following criteria:

(a) All decisions adopted in application of provisions that appear in the Charter under the heading "procedure";

(b) All decisions concerning the relationship between the Security Council and other organs of the United Nations, or by which the Security Council seeks the assistance of other organs of the United Nations;

(c) All decisions related to the Security Council's internal functioning and the conduct of its business;

(d) All decisions that bear a close analogy to decisions included under the above-mentioned criteria;

(e) Certain decisions instrumental in arriving at or in following up a procedural decision. [A/52/47, annex XI, section I.A, para. 4]

(24) **The following decisions have been suggested to be deemed procedural, in addition to those contained in the annex to resolution 267 (III):**

(a) All decisions taken by the Security Council under Chapter VI of the Charter, including:

(i) Decisions to call upon the parties to a conflict to resort to peaceful means of conflict resolution;

(ii) Decisions on mediation efforts and measures of preventive diplomacy;

(iii) Decisions calling for gathering of information or for the dispatch of observers to ascertain facts;

(b) Decisions to call upon the parties to a conflict to abide by the rules of international humanitarian law;

(c) Decisions on procedural matters related to consultations with troop-contributing countries;

(d) Decisions on the timing and modalities of submitting the report of the Security Council to the General Assembly;

(e) Recommendations of the Security Council made in accordance with Articles 4, 5, 6 and 97 of the Charter;

(f) Decisions taken under Article 40 of the Charter relating to provisional measures;

(g) Decisions adopted on the basis of implementing Article 50 of the Charter. [A/52/47, annex XI, section I.A, para. 6]

(25) The Security Council should explore further the proposal for a provision enabling a permanent member to cast a negative vote without that vote constituting a veto if the member so declares. [A/52/47, annex III, section VI.A, para. 26.c (i)]

(26) **The Security Council should introduce a practice whereby a permanent member would be able to cast a negative vote without such a vote constituting a veto when the member so declares. This would be similar to the current practice concerning the abstention, non-participation or absence of a permanent member in the Council's decision-making process.** [A/52/47, annex XI, section I.A, para. 3]

(27) A high-level working group should consider the question of the veto and submit any agreed recommendations to the General Assembly as soon as it is able, if possible prior to the adoption of Charter amendments. [A/52/47, annex XIV, para. 5]

(28) **The veto should be excluded in respect of recommendations under Articles 4, 5, 6 and 97 of the Charter.** [A/52/47, annex XVI, para. 4.c]

(29) The Charter should be amended so that Article 4, paragraph 2, and Articles 5, 6, 27, 97, 108 and 109 are changed with a view to limiting the application of the veto. [A/52/47, annex III, section VI.A, para. 26 a (iv)]

(30) Pending the ultimate elimination of the veto, the entitlement to the veto should be so modified that it is available only where a minimum of two [or three] permanent members concur in its exercise. [A/50/47, annex XV, para. IV.C.3]

(31) Current efforts to limit the use of the veto, as stipulated in the Charter (Chapter VI), should continue to be encouraged as they reflect the consensus that is currently emerging in international relations. The number of vetoes required to block action should be increased. [A/50/47, annex IV, para. 33.e]

(32) **The Charter should be amended so that at least two negative votes by permanent members of the Security Council would be required to prevent the adoption of a decision that has received the required majority.** [A/52/47, annex XI, section B, para. 12]

(33) The Charter should be amended so that a single veto will not prevent action on a proposal that has achieved the required majority. [A/52/47, annex III, section VI.A, para. 26.a (ii)]

(34) Time limits should be established on the right of the veto, which, by its nature, should not be perpetual. In the year 2030, approximately 85 years will have passed since the occurrence of the events that justified its creation. The permanent members of the Security Council should recognize the concept that their right to the veto cannot be eternal and should commit themselves to discussing its abolition in that year or another close to it, to be determined by mutual agreement, or should indicate the conditions required for them to accept the abolition of the veto at a given time. [A/52/47, annex XVII]

(35) **The Charter should be amended so that, as a first step, the veto would apply only to decisions taken under Chapter VII of the Charter, *inter alia*, through amendments to Articles 4, 5, 6, 27, 97, 108 and 109.** [A/52/47, annex XI, section I.B, para. 8]

(36) **The Charter should be amended to provide, as part of the voting mechanism of the Security Council under Article 27 of the Charter, for a reference to the veto with all its specific criteria.** [A/52/47, annex XI, section I.B, para. 10]

(37) **The Charter should be amended to provide for suspension of the veto on specific occasions, as defined by a prescribed qualified majority of the General Assembly.** [A/52/47, annex XI, section B, para. 11]

(38) Use of the veto should be curtailed with a view to its eventual elimination. [A/51/47, annex XI, para. I.4]

(39) The exercise of the veto should be progressively curtailed until abrogated. [A/53/47, annex XIII, para. 6.c]

(40) The veto should be curtailed with a view to its elimination and the Charter should be amended so that, as a first step, the veto power should only apply to actions taken under Chapter VII of the Charter. [A/53/47, annex X, para. 6]

B. The number of affirmative votes required for decisions in the Security Council

(1) If the present action threshold is maintained at approximately the present level (60 per cent), the number of affirmative votes required for a decision would be: in a Council of 24: 14; in a Council of 25: 15; and in a Council of 26: 16. [A/52/47, annex III, section VI.B, para. 28]

(2) If the present action threshold is maintained at approximately the present level (60 per cent), the number of affirmative votes required for a decision would be: in a Council of 20: 12; in a Council of 21: 13; in a Council of 23 or 24: 14; in a Council of 25: 15; and in a Council of 26: 16. Proposals for changing the present action threshold could also be considered. [A/52/47, annex X, section II, para. 9; also in annex XI, section II, para. 13]

II. Expansion of the Security Council

A. Total size of the enlarged Security Council

(1) There should be an increase in the membership of the Security Council by not less than 11 members, based on the principles of equitable geographical distribution and sovereign equality of States. [A/53/47, annex X, para. 3.d; also in A/52/47, annex XXXI, para. 7; also in A/51/47, annex XI, para. 28]

(2) The membership of the Security Council should be expanded to 26. [A/53/47, annex XIII, appendix, para. 2; also in A/51/47, annex XII, para. 2]

(3) Option I: 20

Option II: 21

Option III: 23

Option IV: 24

Option V: 25

Option VI: 26

Option VII: at least 26 [A/52/47, annex XIX, section I]

(4) The membership of the Security Council should be expanded to at least 26. [A/52/47, annex XXI, appendix, para. 2]

(5) Increase the membership of the Security Council from 15 to 24. [A/51/47, annex II, para. 1.a]

(6) The upper numerical limit for the size of the Security Council should be no greater than 25. [A/51/47, annex III, para. 7]

(7) The size of the reformed Security Council should be from 24 to 26. [A/51/47, annex IX, para. 2]

B. Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation)

(1) New permanent members should be granted the same prerogatives and powers as the current permanent members. [A/53/47, annex XIII, para. 3.a; also in A/52/47, annex XX, para. 3; also in A/52/47, annex XXI, para. 4]

(2) Extension of the veto to new permanent members should be considered only in the context of curtailment or limitation of its use by the current permanent members. [A/52/47, annex XX, para. 1]

(3) The veto should not be extended to new permanent members. [A/52/47, annex XX, para. 2]

(4) Candidates for permanent membership should indicate their willingness to become new permanent members of the Security Council without the veto. [A/52/47, annex XX, para. 4]

(5) New permanent members should agree not to exercise their veto until a periodic review of the enlarged Security Council has taken place. [A/52/47, annex XX, para. 5]

(6) Decision on the extension of the veto to the new permanent members should be taken once the new permanent members of the Security Council have been elected. [A/52/47, annex XX, para. 6]

(7) A high-level working group of the General Assembly should be established to consider the extent to which the veto should be extended to new permanent members. During this interim period the new permanent members will not individually exercise the veto and the concurring vote of a determined number of new permanent members (for example four out of five) will be required to arrive at a Security Council decision on matters which are not procedural and taken under Chapter VII of the Charter. [A/52/47, annex XX, para. 7]

(8) A high-level working group shall consider the extent to which the veto right is extended to new permanent members. [A/52/47, annex XXII, para. 3]

(9) During an interim period, the new permanent members will not individually exercise the veto right. During that period, the concurring vote of at least four out of five new permanent members will be required to arrive at a Security Council decision on matters which are not procedural and are taken under Chapter VII of the Charter. [A/52/47, annex XXII, paras. 4-5]

(10) Africa should be allocated no less than two permanent seats. These seats will be allotted to countries by a decision of the Group of African States itself, in accordance with a system of rotation based on the current established criteria of the Organization of African Unity (OAU) and subsequent elements which might improve those criteria. [A/53/47, annex XIII, para. 2.a; also in A/51/47, annex XII, para. 2.a]

(11) In the case of an increase in the permanent membership of the Security Council, Asia should be allocated two permanent seats. These two seats will be allotted to countries by a decision of the Group of Asian States itself, in accordance with a system of rotation, the modalities for which will be discussed in the context of a working group to be established for that purpose. [A/52/47, annex XXI, para. 3]

(12) Five new permanent members of the Security Council should be elected according to the following patterns:

(i) One from the developing States of Africa;

(ii) One from the developing States of Asia;

(iii) One from the developing States of Latin America and the Caribbean;

(iv) Two from industrialized States. [A/51/47, annex II, para. 1.b]

(13) Enlargement in the permanent members of the Council must include countries from the underrepresented regions of Africa, Asia, Latin America and Caribbean. Germany and Japan are already perceived by many as candidates for permanent seats. [A/51/47, annex III, para. 8]

(14) In the event of an increase in the number of permanent Security Council seats, a permanent seat with full privileges will be allocated to the Group of Arab States.

This seat would rotate among the Arab States in accordance with the usual practice in the League of Arab States. [A/51/47, annex VIII, appendix, section A, para. 4.b]

(15) The number of permanent members should be increased by five or six. In the event that it is decided to increase the number of permanent members by five, the permanent seats will be distributed according to the following pattern:

(i) One to the developing States of Africa (note: OAU has made a case for two permanent seats for African States);

(ii) One to the developing States of Asia;

(iii) One to the developing States of Latin America and the Caribbean;

(iv) Two to industrialized States. [A/51/47, annex IX, section II, para. 3]

(16) Given that permanent regional representation was discussed, it is not precluded that a region may determine its own selection taking into account regional considerations prior to the election by the General Assembly. [A/51/47, annex IX, section II, para. 4]

(17) Permanent seats should be granted to Germany and Japan. The enlargement of the Council should also ensure a wider representation for the countries of Asia, Africa and Latin America and the Caribbean. [A/51/47, annex X, section II, para. 9]

(18) The establishment of new permanent seats would extend a situation of eternal privilege to other countries. Such a development would be anachronistic and incompatible with the principle of sovereign equality of States, which lies at the foundation of the United Nations. The current permanent membership of five should remain the same. [A/51/47, annex XIII, section I]

(19) Africa should be allocated no fewer than two permanent seats with all the privileges attached thereto, as long as the institution of permanent membership remains in force. [A/50/47, annex IV, para. 34]

(20) There should be an increase from five to ten in the number of permanent members who would have the same powers and responsibilities as the current members. The five additional members could be designated, preferably on a regional basis, by the General Assembly, by a two-thirds majority vote and taking into account equitable geographical distribution and their capacity to contribute to peacekeeping operations. [A/50/47, annex XI]

(21) If the membership of the Security Council is increased to 20, two members could be permanent and three could be non-permanent with a longer term. If the membership is increased to 22, three members could be permanent and four could be non-permanent with a longer term, and so forth. [A/50/47, annex XI]

(22) A new subcategory of financial permanent membership should be introduced whereby individual States would qualify for membership on the basis of substantial contributions to the Organization's budget. [A/50/47, annex XV, section IV.C.1, para. 23]

(23) Two alternative models are proposed. In the first model: (a) the permanent five would be unchanged; (b) there would be one additional permanent member assigned to each of the five United Nations regional groups except Western European and Other; and (c) there would be financial permanent members, which would be likely to be two in number (not including the United States of America, already included

under (a)). In the second model: (a) on the basis of democracy and equality, each regional group would return two permanent members; the existing permanent five would be deemed to be included in the quota of their respective groups except in the case of the United States; (b) there would be three financial permanent members, including the United States. [A/50/47, annex XV, section V.A, paras. 28-29]

(24) In political and economic context, Asia, Africa and Latin America and the Caribbean are regions of developing countries. These three regions require permanent representation. It is also conceivable that the industrialized countries are an identifiable region. Japan and Germany are in that group. It is proposed that each developing region be allocated two seats. Each seat will clearly represent countries of the region and not purely that of a country. A regional mechanism will decide on how the seats are to be allocated. [A/50/47, annex XVI, section II, paras. 7-9]

(25) The permanent membership should be increased by five new seats. Three new permanent seats should be for developing countries of Africa, Asia and Latin America. Two new permanent seats should be for industrialized countries. [A/50/47, annex XVII, para. 8]

(26) Two additional seats for permanent members of the Security Council should be created to include Germany and Japan. [A/50/47, annex XVIII, section V.A, paras. 7-8]

C. Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership)

(1) If there is no agreement on other categories of membership, expansion should take place, for the time being, only in the non-permanent category. [A/53/47, annex X, para. 5; also in A/52/47, annex XXXI, para. 10; also in A/51/47, annex XI, para. 29]

(2) Africa should be allocated five non-permanent seats in the expanded Security Council. [A/53/47, annex XIII, para. 2.b; also in A/51/47, annex XII, para. 2.b]

(3) Any increase in the non-permanent membership of the Security Council should ensure an enhanced representation of the Group of Eastern European States by the allocation to the said Group of one additional non-permanent seat in the enlarged Security Council. [A/52/47, annex XXIII]

(4) Four new non-permanent members of the Security Council should be elected according to the following pattern:

(i) One from States of Africa;

(ii) One from States of Asia;

(iii) One from States of Eastern Europe;

(iv) One from States of Latin America and the Caribbean. [A/51/47, annex II]

(5) In accordance with the principle of equitable geographical distribution, the Group of Arab States requests the allocation to the Group of at least two non-permanent seats on the Security Council. [A/51/47, annex VIII, appendix, section A, para. 4.a]

(6) The number of non-permanent members should be increased by four, five or six. In the event that it is decided to increase the number of non-permanent members by four, the seats will be distributed according to the following pattern:

(a) One to the States of Africa (note: in case the addition of five seats being the decision, the additional seat should be allocated to the States of Africa);

(b) One to the States of Asia;

(c) One to the States of Eastern Europe;

(d) One to States of Latin America and the Caribbean. [A/51/47, annex IX, part A, section II, para. 5]

(7) Ten new non-permanent seats should be added. For each of these seats, three States would be rotating, making a total of 30 States. Consequently, each of them would remain two years on and four consecutive years off the Council. These 30 States, which therefore would rotate more frequently and regularly than others, should be selected on the basis of objective criteria to be determined by the General Assembly. [A/51/47, annex XIII, section 2]

(8) Some States which have strength and influence in international relations, and the capacity and will to make a significant contribution to the fulfilment of the Organization's purposes, should be allowed to participate more frequently as members of the Council. [A/50/47, annex VIII, para. 1]

(9) The number of non-permanent members should be increased from 10 to 15. The additional five non-permanent members could have a long term (between 6 and 12 years, for example) and be chosen by the General Assembly by a simple majority. Retiring members would be legible for immediate re-election. The other 10 non-permanent members would continue to be elected by the General Assembly for a period of two years. They would not be eligible for immediate re-election at the end of their terms. [A/50/47, annex XI, para. 1]

(10) There could be nine to 11 non-permanent members. [A/50/47, annex XV, section V.B, para. 31]

(11) With eight new permanent members and five existing, and 10 existing non-permanent members, the membership would alone total 23; and there should be seven new non-permanent members making a total of 30 members. [A/50/47, annex XVI, section IV, para. 18]

(12) While care should be taken not to impair the efficiency of the Security Council, an enlargement of the Council by five new permanent seats as suggested should be complemented by an enlargement with a number of new non-permanent seats in order to maintain a reasonable balance between the number of permanent and non-permanent seats on the Council and to enhance further the representativity and the equitable geographical distribution of its membership. [A/50/47, annex XVII, para. 12]

(13) If two additional seats for permanent members of the Security Council are created, the number of non-permanent members should be increased by eight, which would make a total of 18 non-permanent members. The additional seats for non-permanent members could be distributed as follows:

(a) Four (4) seats for States of Asia and Africa;

(b) Two (2) seats for the regional group of Latin American and Caribbean countries;

(c) One (1) seat for the regional group of Western European and other countries;

(d) One (1) seat for the regional group of East European countries.

The creation of eight non-permanent seats, each of which would rotate among three or four States (for a total of 24 to 32 States) would enable countries that make a substantial contribution to United Nations peacekeeping activities and the financing of the Organization, and countries that represent the majority of the world's population, to assume greater responsibility in the implementation of the provisions of the Charter. [A/50/47, annex XVIII, paras. 8-9]

III. Periodic review of the enlarged Security Council

(1) A periodic review of the structure and functioning of the Security Council is necessary in order to enable it to respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security. [A/53/47, annex XIII, para. 5]

(2) In the event that any rotational arrangements were adopted, the lists of rotating countries could be reviewed during the periodic review process. The assessment should depend essentially on the degree to which a country had managed to honour its obligations and met the increased responsibilities stemming from the rotational agreement. [A/52/47, annex XXV, para. 2; also in annex XXVI, para. 2]

(3) **The first review should take place 10 to 20 years after the conclusion of the present reform exercise. There should be subsequent reviews thereafter every 10 to 12 or 15 to 20 years. One solution would be to undertake the periodic review to coincide with the expiration of the tenure of members of those regions opting for regional rotational arrangements.** [A/52/47, annex XXV, para. 4; also in annex XXVI, para. 4]

(4) **The periodic review should automatically be included in the agenda of the General Assembly. The review process should be concluded within two years.** [A/52/47, annex XXV, para. 5; also in annex XXVI, para. 5]

(5) **The scope of the review process should be comprehensive in order to address all aspects of reform, including the status of new permanent members as well as the question of the veto and accountability. The review process should also take into account the question of under-representation as well as over-representation of any region on the Council in both permanent and non-permanent categories.** [A/52/47, annex XXV, para. 6; also in annex XXVI, para. 6]

(6) **The periodic review should not cover the rights and obligations held by the original five permanent members.** [A/52/47, annex XXV, para. 7; also in annex XXVI, para. 8]

(7) In order to facilitate the solution of the present reform process, the veto should be discussed only during the periodic review. In this respect two aspects have been mentioned. Firstly, if the veto were to be extended to the new permanent members, they would agree not to exercise their right until the review took place. Secondly,

the time leading up to the first review could be used to prepare for a more consolidated arrangement, which should include recommendations on the veto rights of the original permanent members and that of the new permanent members with a view to bridging the gap between them. [A/52/47, annex XXV, para. 8; also in annex XXVI, para. 9]

(8) **The review process should not be subject to the use of the veto by the original permanent members and/or the new permanent members.** [A/52/47, annex XXV, para. 9; also in annex XXVI, para. 10]

(9) **A review process would be unnecessary.** [A/52/47, annex XXVI, para. 3]

(10) **In order to retain their status, countries having been elected as new permanent members of the Council would either:**

(a) Need to secure, at the review process, the support of at least a two-thirds majority of the membership of the United Nations;

(b) Continue as permanent members unless otherwise decided by a two-thirds majority of the membership of the United Nations. [A/52/47, annex XXVI, para. 7]

(11) The threshold level for decision on the extension of new permanent members should be upgraded to as near as possible to the level applied during initial elections, namely, at least the two-thirds majority of all members of the United Nations. This upgrade will be all the more necessary if periodic review is genuinely intended as a mechanism to ameliorate some of the shortcomings inherent in the increase of permanent membership by providing the general membership with a reasonable opportunity to replace some or all new permanent members. The upgraded level of majority required for the extension of new permanent members during the review period can be incorporated into the new provisions of the Charter to be created with respect to the periodic review of the enlarged Security Council. [A/52/47, annex XXVII]

Annex VII

Letter dated 31 March 2000 from the Permanent Representative of Germany to the President of the General Assembly in his capacity as Chairman of the Working Group, concerning the introduction of an obligation to explain the use of a veto[*]

During the March deliberations of the Open-ended Working Group, it was suggested that Germany submit in writing its proposal on the introduction of an obligation to explain the use of a veto.

I am glad to provide you with our proposal. The Federal Minister for Foreign Affairs, Joschka Fischer, addressed the General Assembly on 22 September 1999 on this subject. He said:

> "According to the Charter, the Security Council acts with the mandate and on behalf of all United Nations Member States. But hitherto they have not been entitled to learn why a State has exercised its right of veto. This is not only neither democratic nor transparent, but also makes it easier for States to veto a draft resolution unilaterally for national rather than international interests. The introduction of an obligation for a State to explain to the General Assembly why it is vetoing a draft resolution would make it more difficult to do so and thus bring about substantial progress towards using the right of veto more responsibly. Why should not the General Assembly assume more responsibility in future, too?"

We think that we can in this way pragmatically approach the veto reform, which a significant majority of United Nations Member States have demanded. As a complete abolition of the veto is not realistic, most Member States favour limiting the use of the veto.

In making its proposal, Germany took into consideration the pragmatic approach taken by a group of reform-oriented Member States, the "group of ten", namely, Australia, Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Portugal and Slovenia. In June 1998 they submitted a number of practical proposals to reform and limit the use of the veto which would not require Charter amendments.[a]

Asking permanent Security Council members to justify their actions might make it more difficult for them to cast a veto. In an ideal scenario, they might even refrain from using the veto altogether. We could thus have a more democratic use of the veto without having to change the Charter.

I should like to request you to circulate this letter as a conference room paper, thus making it available to all members of the Open-ended Working Group.

(*Signed*) Dieter **Kastrup**
Ambassador
Permanent Representative

---

[*] Previously issued as document A/AC.247/2000/CRP.4.

[a] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 47* (A/52/47), annex XVI.

Annex VIII

Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"*

I. Decision-making in the Security Council, including the veto

A. The veto as a voting instrument in the Security Council

(1) The veto as a voting instrument should be maintained as today. [oral proposal at May 2000 session of the Open-ended Working Group (OEWG)]

(2) The veto as a voting instrument should be maintained without amendment to the Charter of the United Nations. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(3) Any attempt to restrict or curtail the veto rights of the permanent members would not be conducive to the reform process. [oral proposal at May 2000 session of OEWG, referring to document S/1999/986]

(4) The proposals regarding limitations of the rights of the veto, found in the 1948 addresses to the Interim Committee by representatives of China, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, should be considered. [oral proposal at May 2000 session of OEWG]

(5) On the basis of Article 108 of the Charter, any curtailment of the right of the veto should be made through Charter amendment. [oral proposal at May 2000 session of OEWG]

(6) The members of the Security Council shall make every effort to seek consensus in the Council decision-making process. [A/52/47, annex XIV, para. 1]

(7) The permanent members of the Security Council shall make statements, either individually or collectively, that the veto will be exercised in a manner consistent with their responsibilities under the Charter. [A/52/47, annex XIV, para. 2]

(8) The Security Council should explore further the possibility for unilateral declarations by the permanent members containing a commitment not to resort to the veto. [A/52/47, annex III, section VI.A, para. 26 (c) (ii)]

(9) The permanent members of the Security Council should endeavour not to resort to the veto or to the threat of its use. They should exercise the veto in a manner consistent with their responsibilities under the Charter. The General Assembly should adopt a declaration encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process. [A/52/47, annex XV]

---

* Previously issued as document A/AC.247/2000/CRP.2/Rev.2.

(10) The existing permanent members would state, individually or collectively, in writing, that they would commit themselves to exclude the use of the veto as recommended by the General Assembly. [A/52/47, annex XVI, para. 3.(b)]

(11) The permanent members of the Security Council, mindful of the fact that they are acting on behalf of the United Nations as a whole, should exercise the veto only when they consider the question to be of vital importance, taking into account the interest of the United Nations as a whole, and should state in each case, in writing, on what ground they consider that condition to be present. [A/52/47, annex XVI, para. 4 (a)]

(12) In the event of any veto of a draft resolution of the Security Council, the permanent members should accompany that decision with an explanation of such action. [A/52/47, annex XIV, para. 4]

(13) The introduction of an obligation for a State to explain to the General Assembly why it is vetoing a resolution would make it more difficult to do so and thus bring about substantial progress towards using the right of veto more responsibly. [A/AC.247/2000/CRP.4]

(14) The permanent members of the Security Council should exercise the veto in a manner consistent with their responsibilities under the Charter. The permanent members should always provide a written justification whenever they exercise the veto. [A/52/47, annex X, section I.A, para. 2]

(15) The permanent members of the Security Council should exercise the veto in a manner consistent with their responsibilities under the Charter and in accordance with the norms of international law. The veto should be exercised only when permanent members consider the question of vital importance, taking into account the interests of the United Nations as a whole. To state upon what factual and legal ground the permanent members consider this condition to be present, they should always provide a written justification, which could be considered legally binding. [A/52/47, annex XI, section I.A, para. 2]

(16) New permanent members should commit themselves not to use the veto de facto, even if they have it *de jure*. [oral proposal at May 2000 session of OEWG]

(17) The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. [A/52/47, annex X, section I.A, para. 1]

(18) The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. Such commitments should be incorporated into the rules of procedure of the Security Council. [A/52/47, annex XI, section I.A, para. 1]

(19) The General Assembly should adopt a declaration expressing its attitude towards the veto as a voting instrument in the Security Council, encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process. The declaration should also contain recommendations to the Council aimed at curtailing, limiting or discouraging the use of the veto. [A/52/47, annex X, section I.A, para. 5]

(20) The General Assembly, in accordance with Article 10 of the Charter, would make specific recommendations aimed at reducing areas where the veto can be applied. [A/52/47, annex XVI, para. 3.a]

(21) To discourage the use of the veto, the General Assembly should decide to urge the original permanent members of the Security Council to limit the exercise of their veto power to actions taken under Chapter VII of the Charter. [A/51/47, annex II, para. 4 (a)]

(22) The permanent members shall generally be guided by the annex to General Assembly resolution 267 (III) of 14 April 1949 regarding which matters should be deemed procedural. [A/52/47, annex XI, section I.A, para. 5]

(23) The Security Council or the General Assembly should provide a legal definition of what constitutes a procedural matter or clear criteria as to what is of a procedural nature (Article 27, paragraph 2, of the Charter). [A/52/47, annex III, section VI.A, para. 26 (b) (ii)]

(24) The Security Council or the General Assembly should update the annex to Assembly resolution 267 (III), containing a list of decisions deemed procedural. [A/52/47, annex III, section VI.A, para. 26 (b) (i)]

(25) General Assembly resolution 267 (III), with its updated annex and any agreed additional decisions deemed procedural, should be recommended to the Security Council for adoption and incorporation into its rules of procedure. [A/52/47, annex XI, section I.A, para. 7]

(26) The veto should be excluded in respect of matters contained in the annex to General Assembly resolution 267 (III), entitled "Decisions deemed procedural", updated as necessary. [A/52/47, annex XVI, para. 4 (b)]

(27) A legal definition of what constitutes a procedural matter in the decision-making of the Security Council should be formulated. A list of decisions of the Security Council deemed procedural should be developed, *inter alia*, through the revision of the annex to General Assembly resolution 267 (III). [A/52/47, annex X, section I.A, para. 4]

(28) Paragraph 2 of Article 27.2, pertaining to decisions on procedural matters, should be redefined. [A/52/47, annex XI, section I.B, para. 9]

(29) A legal definition of what constitutes a procedural matter in the decision-making of the Security Council should be formulated. In lack thereof, clear criteria as to which matters are of a procedural nature should be developed. Decisions referred to as being of a procedural nature could be based on the following criteria:

(a) All decisions adopted in application of provisions that appear in the Charter under the heading "procedure";

(b) All decisions concerning the relationship between the Security Council and other organs of the United Nations, or by which the Security Council seeks the assistance of other organs of the United Nations;

(c) All decisions related to the Security Council's internal functioning and the conduct of its business;

(d) All decisions that bear a close analogy to decisions included under the above-mentioned criteria;

(e) Certain decisions instrumental in arriving at or in following up a procedural decision. [A/52/47, annex XI, section I.A, para. 4]

(30) The following decisions have been suggested to be deemed procedural, in addition to those contained in the annex to resolution 267 (III):

(a) All decisions taken by the Security Council under Chapter VI of the Charter, including:

(i) Decisions to call upon the parties to a conflict to resort to peaceful means of conflict resolution;

(ii) Decisions on mediation efforts and measures of preventive diplomacy;

(iii) Decisions calling for gathering of information or for the dispatch of observers to ascertain facts;

(b) Decisions to call upon the parties to a conflict to abide by the rules of international humanitarian law;

(c) Decisions on procedural matters related to consultations with troop-contributing countries;

(d) Decisions on the timing and modalities of submitting the report of the Security Council to the General Assembly;

(e) Recommendations of the Security Council made in accordance with Articles 4, 5, 6 and 97 of the Charter;

(f) Decisions taken under Article 40 of the Charter relating to provisional measures;

(g) Decisions adopted on the basis of implementing Article 50 of the Charter. [A/52/47, annex XI, section I.A, para. 6]

(31) The Security Council should further explore the proposal for a provision enabling a permanent member to cast a negative vote without that vote constituting a veto if the member so declares. [A/52/47, annex III, section VI.A, para. 26 (c) (i)]

(32) The Security Council should introduce a practice whereby a permanent member would be able to cast a negative vote without such a vote constituting a veto when the member so declares. This would be similar to the current practice concerning the abstention, non-participation or absence of a permanent member in the Council's decision-making process. [A/52/47, annex XI, section I.A, para. 3]

(33) A high-level working group should consider the question of the veto and submit any agreed recommendations to the General Assembly as soon as it is able, if possible prior to the adoption of Charter amendments. [A/52/47, annex XIV, para. 5]

(34) The veto should be excluded in respect of recommendations under Articles 4, 5, 6 and 97 of the Charter. [A/52/47, annex XVI, para. 4 (c)]

(35) The Charter should be amended so that Article 4, paragraph 2, and Articles 5, 6, 27, 97, 108 and 109 are changed with a view to limiting the application of the veto. [A/52/47, annex III, section VI.A, para. 26 (a) (iv)]

(36) Pending the ultimate elimination of the veto, the entitlement to the veto should be so modified that it is available only where a minimum of two [or three] permanent members concur in its exercise. [A/50/47, annex XV, para. IV.C.3]

(37) Current efforts to limit the use of the veto, as stipulated in the Charter (Chapter VI), should continue to be encouraged as they reflect the consensus that is currently emerging in international relations. The number of vetoes required to block action should be increased. [A/50/47, annex IV, para. 33 (e)]

(38) The Charter should be amended so that at least two negative votes by permanent members of the Security Council would be required to prevent the adoption of a decision that has received the required majority. [A/52/47, annex XI, section B, para. 12]

(39) The Charter should be amended so that a single veto will not prevent action on a proposal that has achieved the required majority. [A/52/47, annex III, section VI.A, para. 26 (a) (ii)]

(40) Time limits should be established on the right of the veto, which, by its nature, should not be perpetual. In the year 2030, approximately 85 years will have passed since the occurrence of the events that justified its creation. The permanent members of the Security Council should recognize the concept that their right to the veto cannot be eternal and should commit themselves to discussing its abolition in that year or another close to it, to be determined by mutual agreement, or should indicate the conditions required for them to accept the abolition of the veto at a given time. [A/52/47, annex XVII]

(41) The Charter should be amended so that, as a first step, the veto would apply only to decisions taken under Chapter VII of the Charter, *inter alia*, through amendments to Articles 4, 5, 6, 27, 97, 108 and 109. [A/52/47, annex XI, section I.B, para. 8]

(42) The Charter should be amended to provide, as part of the voting mechanism of the Security Council under Article 27 of the Charter, for a reference to the veto with all its specific criteria. [A/52/47, annex XI, section I.B, para. 10]

(43) The Charter should be amended to provide for suspension of the veto on specific occasions, as defined by a prescribed qualified majority of the General Assembly. [A/52/47, annex XI, section B, para. 11]

(44) Use of the veto should be curtailed with a view to its eventual elimination. [A/51/47, annex XI, para. 1.4]

(45) The exercise of the veto should be progressively curtailed until abrogated. [A/53/47, annex XIII, para. 6 (c)]

(46) The veto should be curtailed with a view to its elimination and the Charter should be amended so that, as a first step, the veto power should only apply to actions taken under Chapter VII of the Charter. [A/53/47, annex X, para. 6]

(47) In the context of Article 108 of the Charter, any curtailment of the veto power necessarily entails an amendment to the Charter. [written proposal submitted to the Bureau after the June 2000 session of OEWG]

B. The number of affirmative votes required for decisions in the Security Council

(1) Once agreement is reached on expanding the Council, the number of affirmative votes required for decisions in the Security Council should remain at

around the present action threshold of 60 per cent. The exact proportion of Council members necessary to initiate action will need to reflect the new composition of the Council. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(2) If the present action threshold is maintained at approximately the present level (60 per cent), the number of affirmative votes required for a decision would be: in a Council of 24: 14; in a Council of 25: 15; and in a Council of 26: 16. [A/52/47, annex III, section VI.B, para. 28]

(3) If the present action threshold is maintained at approximately the present level (60 per cent), the number of affirmative votes required for a decision would be: in a Council of 20: 12; in a Council of 21: 13; in a Council of 23 or 24: 14; in a Council of 25: 15; and in a Council of 26: 16. Proposals for changing the present action threshold could also be considered. [A/52/47, annex X, section II, para. 9; also in annex XI, section II, para. 13]

II. Expansion of the Security Council

A. Total size of the enlarged Security Council

(1) There should be an increase in the membership of the Security Council by not less than 11 members, based on the principles of equitable geographical distribution and sovereign equality of States. [A/53/47, annex X, para. 3 (d); also in A/52/47, annex XXXI, para. 7; also in A/51/47, annex XI, para. 28]

(2) The membership of the Security Council should be expanded to 26. [A/53/47, annex XIII, appendix, para. 2; also in A/51/47, annex XII, para. 2]

(3) Option I: 20

Option II: 21

Option III: 22

Option IV: 23

Option V: 24

Option VI: 25

Option VII: 26

Option VIII: At least 26 [A/52/47, annex XIX, section I; amended in written proposal submitted during May 2000 session of OEWG]

(4) The membership of the Security Council should be expanded to at least 26. [A/52/47, annex XXI, appendix, para. 2]

(5) Increase the membership of the Security Council from 15 to 24. [A/51/47, annex II, para. 1 (a)]

(6) The upper numerical limit for the size of the Security Council should be no greater than 25. [A/51/47, annex III, para. 7]

(7) The size of the reformed Security Council should be from 24 to 26. [A/51/47, annex IX, para. 2]

(8) The size of the reformed Security Council should include both new permanent and new non-permanent members, both from developed and developing countries. [oral proposal at May 2000 session of OEWG]

(9) The enlargement of the Council should include representatives of both industrialized and developing countries. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(10) In case of expansion of the Council under any formula, the current ratio of permanent and non-permanent seats should not be altered to the detriment of the non-permanent seats. [written proposal submitted during June 2000 session of OEWG]

B. Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation)

(1) Enlargement of the Security Council should take place in both permanent and non-permanent membership. New permanent membership should include both industrialized and developing countries. [oral proposal at May 2000 session of OEWG]

(2) Enlargement in the permanent and non-permanent categories of membership should be considered together. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(3) Enlargement of the Security Council should take place in both categories, the permanent category and the non-permanent category, in parallel, taking into account candidates both from developing countries and industrialized countries. Five new permanent seats should be distributed according to the following pattern:

- One to the developing States of Africa;
- One to the developing States of Asia;
- One to the developing States of Latin America and the Caribbean;
- Two to industrialized States. [written proposal at May 2000 session of OEWG]

(4) Enlargement of the Security Council should take place in the non-permanent membership only. [oral proposal at May 2000 session of OEWG]

(5) There should be no new permanent members. [oral proposal at June 2000 session of OEWG]

(6) There should be one permanent seat for the European Union. [oral proposal at June 2000 session of OEWG]

(7) New permanent members should be granted the same prerogatives and powers as the current permanent members. [A/53/47, annex XIII, para. 3 (a); also in A/52/47, annex XX, para. 3; also in A/52/47, annex XXI, para. 4]

(8) Extension of the veto to new permanent members should be considered only in the context of curtailment or limitation of its use by the current permanent members. [A/52/47, annex XX, para. 1]

(9) The veto should not be extended to new permanent members. [A/52/47, annex XX, para. 2]

(10) Candidates for permanent membership should indicate their willingness to become new permanent members of the Security Council without the veto. [A/52/47, annex XX, para. 4]

(11) New permanent members should agree not to exercise their veto until a periodic review of the enlarged Security Council has taken place. [A/52/47, annex XX, para. 5]

(12) Decision on the extension of the veto to the new permanent members should be taken once the new permanent members of the Security Council have been elected. [A/52/47, annex XX, para. 6]

(13) A high-level working group of the General Assembly should be established to consider the extent to which the veto should be extended to new permanent members. During this interim period the new permanent members will not individually exercise the veto and the concurring vote of a determined number of new permanent members (for example four out of five) will be required to arrive at a Security Council decision on matters which are not procedural and taken under Chapter VII of the Charter. [A/52/47, annex XX, para. 7]

(14) A high-level working group shall consider the extent to which the veto right is extended to new permanent members. [A/52/47, annex XXII, para. 3]

(15) During an interim period, the new permanent members will not individually exercise the veto right. During that period, the concurring vote of at least four out of five new permanent members will be required to arrive at a Security Council decision on matters which are not procedural and are taken under Chapter VII of the Charter. [A/52/47, annex XXII, paras. 4 and 5]

(16) Africa should be allocated no less than two permanent seats. These seats will be allotted to countries by a decision of the Group of African States itself, in accordance with a system of rotation based on the current established criteria of the Organization of African Unity (OAU) and subsequent elements which might improve those criteria. [A/53/47, annex XIII, para. 2 (a); also in A/51/47, annex XII, para. 2 (a)]

(17) In the case of an increase in the permanent membership of the Security Council, Asia should be allocated two permanent seats. These two seats will be allotted to countries by a decision of the Group of Asian States itself, in accordance with a system of rotation, the modalities for which will be discussed in the context of a working group to be established for that purpose. [A/52/47, annex XXI, para. 3]

(18) Five new permanent members of the Security Council should be elected according to the following patterns:

(i) One from the developing States of Africa;

(ii) One from the developing States of Asia;

(iii) One from the developing States of Latin America and the Caribbean;

(iv) Two from industrialized States. [A/51/47, annex II, para. 1 (b)]

(19) Enlargement in the permanent members of the Council must include countries from the underrepresented regions of Africa, Asia, Latin America and Caribbean. Germany and Japan are already perceived by many as candidates for permanent seats. [A/51/47, annex III, para. 8]

(20) In the event of an increase in the number of permanent Security Council seats, a permanent seat with full privileges will be allocated to the Group of Arab States. This seat would rotate among the Arab States in accordance with the usual practice in the League of Arab States. [A/51/47, annex VIII, appendix, section A, para. 4 (b)]

(21) The number of permanent members should be increased by five or six. In the event that it is decided to increase the number of permanent members by five, the permanent seats will be distributed according to the following pattern:

(i) One to the developing States of Africa (note: OAU has made a case for two permanent seats for African States);

(ii) One to the developing States of Asia;

(iii) One to the developing States of Latin America and the Caribbean;

(iv) Two to industrialized States. [A/51/47, annex IX, section II, para. 3]

(22) Given that permanent regional representation was discussed, it is not precluded that a region may determine its own selection taking into account regional considerations prior to the election by the General Assembly. [A/51/47, annex IX, section II, para. 4]

(23) Permanent seats should be granted to Germany and Japan. The enlargement of the Council should also ensure a wider representation for the countries of Asia, Africa and Latin America and the Caribbean. [A/51/47, annex X, section II, para. 9]

(24) The establishment of new permanent seats would extend a situation of eternal privilege to other countries. Such a development would be anachronistic and incompatible with the principle of sovereign equality of States, which lies at the foundation of the United Nations. [A more equitable solution would be to increase non-permanent seats only, preferably to rotate on a regional basis. [A/51/47, annex XIII, section I; amended orally during June 2000 session of OEWG]]

(25) Africa should be allocated no fewer than two permanent seats with all the privileges attached thereto, as long as the institution of permanent membership remains in force. [A/50/47, annex IV, para. 34]

(26) There should be an increase from five to 10 in the number of permanent members who would have the same powers and responsibilities as the current members. The five additional members could be designated, preferably on a regional basis, by the General Assembly, by a two-thirds majority vote and taking into account equitable geographical distribution and their capacity to contribute to peacekeeping operations. [A/50/47, annex XI]

(27) If the membership of the Security Council is increased to 20, two members could be permanent and three could be non-permanent with a longer term. If the membership is increased to 22, three members could be permanent and four could be non-permanent with a longer term, and so forth. [A/50/47, annex XI]

(28) A new subcategory of financial permanent membership should be introduced whereby individual States would qualify for membership on the basis of substantial

contributions to the Organization's budget. [A/50/47, annex XV, section IV.C.1, para. 23]

(29) Two alternative models are proposed. In the first model: (a) the permanent five would be unchanged; (b) there would be one additional permanent member assigned to each of the five United Nations regional groups except Western European and Other; and (c) there would be financial permanent members, which would be likely to be two in number (not including the United States of America, already included under (a)). In the second model: (d) on the basis of democracy and equality, each regional group would return two permanent members; the existing permanent five would be deemed to be included in the quota of their respective groups except in the case of the United States; (e) there would be three financial permanent members, including the United States. [A/50/47, annex XV, section V.A, paras. 28 and 29]

(30) In political and economic context, Asia, Africa and Latin America and the Caribbean are regions of developing countries. These three regions require permanent representation. It is also conceivable that the industrialized countries are an identifiable region. Japan and Germany are in that group. It is proposed that each developing region be allocated two seats. Each seat will clearly represent countries of the region and not purely that of a country. A regional mechanism will decide on how the seats are to be allocated. [A/50/47, annex XVI, section II, paras. 7-9]

(31) The permanent membership should be increased by five new seats. Three new permanent seats should be for developing countries of Africa, Asia and Latin America. Two new permanent seats should be for industrialized countries. [A/50/47, annex XVII, para. 8]

(32) Two additional seats for permanent members of the Security Council should be created to include Germany and Japan. [A/50/47, annex XVIII, section V.A, paras. 7 and 8]

(33) The question of the possible extension of the veto to any new permanent members of the Security Council should be considered at the end of the process of agreeing the reform package. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(34) Any proposal to establish new permanent members based upon the criteria of "industrialized countries", "developed countries" or "developing countries" should clearly and unequivocally provide a definition for such notion. [written proposal submitted to the Bureau after June 2000 session of OEWG]

C. Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership)

(1) Enlargement of the Security Council should take place in both categories, the permanent category and the non-permanent category, in parallel, taking into account candidates both from developing countries and industrialized countries. Four new non-permanent seats should be distributed according to the following pattern:

- One to States of Africa;
- One to States of Asia;

- One to States of Latin America and the Caribbean;
- One to States of Eastern Europe. [written proposal at May 2000 session of OEWG]

(2) Enlargement in the permanent and non-permanent categories of membership should be considered together. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(3) Enlargement of the Security Council should take place in the non-permanent membership only. [oral proposal at May 2000 session of OEWG]

(4) When additional non-permanent seats are distributed, no national or regional group should be discriminated against [oral proposal at May 2000 session of OEWG]

(5) Every regional group should be allocated at least one additional non-permanent seat in the reformed Security Council. [written proposal at May 2000 session of OEWG]

(6) If there is no agreement on other categories of membership, expansion should take place, for the time being, only in the non-permanent category. [A/53/47, annex X, para. 5; also in A/52/47, annex XXXI, para. 10; also in A/51/47, annex XI, para. 29]

(7) Africa should be allocated five non-permanent seats in the expanded Security Council. [A/53/47, annex XIII, para. 2 (b); also in A/51/47, annex XII, para. 2 (b)]

(8) Any increase in the non-permanent membership of the Security Council should ensure an enhanced representation of the Group of Eastern European States by the allocation to the said Group of one additional non-permanent seat in the enlarged Security Council. [A/52/47, annex XXIII]

(9) Four new non-permanent members of the Security Council should be elected according to the following pattern:

(i) One from States of Africa;

(ii) One from States of Asia;

(iii) One from States of Eastern Europe;

(iv) One from States of Latin America and the Caribbean. [A/51/47, annex II]

(10) In accordance with the principle of equitable geographical distribution, the Group of Arab States requests the allocation to the Group of at least two non-permanent seats on the Security Council. [A/51/47, annex VIII, appendix, section A, para. 4.a]

(11) The number of non-permanent members should be increased by four, five or six. In the event that it is decided to increase the number of non-permanent members by four, the seats will be distributed according to the following pattern:

(a) One to the States of Africa (note: in case the addition of five seats being the decision, the additional seat should be allocated to the States of Africa);

(b) One to the States of Asia;

(c) One to the States of Eastern Europe;

(d) One to States of Latin America and the Caribbean. [A/51/47, annex IX, part A, section II, para. 5]

(12) Ten new non-permanent seats should be added. For each of these seats, three States would be rotating, making a total of 30 States. Consequently, each of them would remain two years on and four consecutive years off the Council. These 30 States, which therefore would rotate more frequently and regularly than others, should be selected on the basis of objective criteria to be determined by the General Assembly. [A/51/47, annex XIII, section 2]

(13) Some States which have strength and influence in international relations, and the capacity and will to make a significant contribution to the fulfilment of the Organization's purposes, should be allowed to participate more frequently as members of the Council. [A/50/47, annex VIII, para. 1]

(14) The number of non-permanent members should be increased from 10 to 15. The additional five non-permanent members could have a long term (between 6 and 12 years, for example) and be chosen by the General Assembly by a simple majority. Retiring members would be eligible for immediate re-election. The other 10 non-permanent members would continue to be elected by the General Assembly for a period of two years. They would not be eligible for immediate re-election at the end of their terms. [A/50/47, annex XI, para. 1]

(15) There could be nine to 11 non-permanent members. [A/50/47, annex XV, section V.B, para. 31]

(16) With eight new permanent members and five existing, and 10 existing non-permanent members, the membership would alone total 23; and there should be seven new non-permanent members making a total of 30 members. [A/50/47, annex XVI, section IV, para. 18]

(17) While care should be taken not to impair the efficiency of the Security Council, an enlargement of the Council by five new permanent seats as suggested should be complemented by an enlargement with a number of new non-permanent seats in order to maintain a reasonable balance between the number of permanent and non-permanent seats on the Council and to enhance further the representativity and the equitable geographical distribution of its membership. [A/50/47, annex XVII, para. 12]

(18) If two additional seats for permanent members of the Security Council are created, the number of non-permanent members should be increased by eight, which would make a total of 18 non-permanent members. The additional seats for non-permanent members could be distributed as follows:

(a) Four (4) seats for States of Asia and Africa;

(b) Two (2) seats for the regional group of Latin American and Caribbean countries;

(c) One (1) seat for the regional group of Western European and other countries;

(d) One (1) seat for the regional group of East European countries.

The creation of eight non-permanent seats, each of which would rotate among three or four States (for a total of 24 to 32 States), would enable countries that make a substantial contribution to United Nations peacekeeping activities and the financing of the Organization, and countries that represent the majority of the world's population, to assume greater responsibility in the implementation of the provisions of the Charter. [A/50/47, annex XVIII, paras. 8 and 9]

(19) No new individual permanent seats such as those established in 1945 should be created because they are contrary to the principle of sovereign equality of States. For the time being, the increase should take place only in the non-permanent category or by means of regional rotation modalities as agreed by consensus by the respective regional groups. [written proposal submitted to the Bureau after the June 2000 session of OEWG]

III. Periodic review of the enlarged Security Council

(1) A periodic review of the structure and functioning of the Security Council is necessary in order to enable it to respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security. [A/53/47, annex XIII, para. 5]

(2) A review process would be unnecessary. [A/52/47, annex XXVI, para. 3]

(3) The issue of periodic review is premature until the matter of reforming the Security Council is resolved. [oral proposal at June 2000 session of OEWG]

(4) A review process would not be necessary as long as any new permanent members are not added to the Security Council. [oral proposal at June 2000 session of OEWG]

(5) In the event that any rotational arrangements were adopted, the lists of rotating countries could be reviewed during the periodic review process. The assessment should depend essentially on the degree to which a country had managed to honour its obligations and met the increased responsibilities stemming from the rotational agreement. [A/52/47, annex XXV, para. 2; also in annex XXVI, para. 2]

(6) The first review should take place 10 to 20 years after the conclusion of the present reform exercise. There should be subsequent reviews thereafter every 10 to 12 or 15 to 20 years. One solution would be to undertake the periodic review to coincide with the expiration of the tenure of members of those regions opting for regional rotational arrangements. [A/52/47, annex XXV, para. 4; also in annex XXVI, para. 4]

(7) The issues within the mandate of the Open-Ended Working Group should be subject to periodic review, which should take place every 10 to 15 years. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(8) The periodic review should automatically be included in the agenda of the General Assembly. The review process should be concluded within two years. [A/52/47, annex XXV, para. 5; also in annex XXVI, para. 5]

(9) The scope of the review process should be comprehensive in order to address all aspects of reform, including the status of new permanent members as well as the question of the veto and accountability. The review process should also take into account the question of under-representation as well as over-representation of any

region on the Council in both permanent and non-permanent categories. [A/52/47, annex XXV, para. 6; also in annex XXVI, para. 6]

(10) The periodic review should not cover the rights and obligations held by the original five permanent members. [A/52/47, annex XXV, para. 7; also in annex XXVI, para. 8]

(11) In order to facilitate the solution of the present reform process, the veto should be discussed only during the periodic review. In this respect two aspects have been mentioned. Firstly, if the veto were to be extended to the new permanent members, they would agree not to exercise their right until the review took place. Secondly, the time leading up to the first review could be used to prepare for a more consolidated arrangement, which should include recommendations on the veto rights of the original permanent members and that of the new permanent members with a view to bridging the gap between them. [A/52/47, annex XXV, para. 8; also in annex XXVI, para. 9]

(12) The review process should not be subject to the use of the veto by the original permanent members and/or the new permanent members. [A/52/47, annex XXV, para. 9; also in annex XXVI, para. 10]

(13) In order to retain their status, countries having been elected as new permanent members of the Council would either:

(a) Need to secure, at the review process, the support of at least a two-thirds majority of the membership of the United Nations;

(b) Continue as permanent members unless otherwise decided by a two-thirds majority of the membership of the United Nations. [A/52/47, annex XXVI, para. 7]

(14) The threshold level for decision on the extension of new permanent members should be upgraded to as near as possible to the level applied during initial elections, namely, at least the two-thirds majority of all members of the United Nations. This upgrade will be all the more necessary if periodic review is genuinely intended as a mechanism to ameliorate some of the shortcomings inherent in the increase of permanent membership by providing the general membership with a reasonable opportunity to replace some or all new permanent members. The upgraded level of majority required for the extension of new permanent members during the review period can be incorporated into the new provisions of the Charter to be created with respect to the periodic review of the enlarged Security Council. [A/52/47, annex XXVII]

Annex IX

Conference room paper submitted by the Bureau of the Working Group, entitled "Working methods of the Security Council and transparency of its work"*

I. Introduction

In this first revised version of this year's conference room paper (A/AC.247/2000/CRP.3; see annex V) on the working methods of the Security Council and transparency of its work, paragraphs and subparagraphs which have been provisionally agreed in the Working Group are marked with **bold typeface.** For paragraphs where there is not yet provisional agreement, amendments and suggestions presented in the discussion in the Working Group, as recorded by the Bureau, have also been listed; there were also proposals to delete some of these paragraphs.

II. Relationship between the Security Council, the General Assembly and the general membership of the United Nations

A. Meetings of the Security Council and informal consultations of the whole**

1. Suggested improvements to the present practice:

(a) The Security Council should, as a general rule, meet in a public format open to all States Members of the United Nations;

(b) Exceptionally, the Security Council may meet in private;

Suggested amendments to subparagraph (b)

(1) Delete the entire subparagraph.

(2) Insert the words "Under special circumstances" in place of the word "Exceptionally".

(3) Insert the words "decide to" before "meet in private".

(c) When special circumstances so require, the members of the Security Council may meet for informal consultations of the whole;

Suggested amendments to subparagraph (c)

(1) Revise the subparagraph to read: "When the members of the Security Council agree that special circumstances so require, they may meet for informal consultations of the whole".

---

* Previously issued as document A/AC.247/2000/CRP.3/Rev.1.

** This title to be reviewed when we reach the stage of institutionalization.

(2) Revise the subparagraph to read: "When the Security Council agrees that special circumstances so require, [its members]/[it] may meet for informal consultations of the whole".

(3) Revise the subparagraph to read: "When members of the Security Council determine that circumstances so require, they may meet for informal consultations of the whole".

(4) Delete the word "special".

(5) Revise the subparagraph to read: "Members of the Security Council may meet for informal consultations of the whole for the exclusive purpose of drafting its decisions or hearing briefings on exceptionally delicate situations".

(6) Delete the entire subparagraph.

(d) The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration;

(e) The Security Council should, whenever appropriate, meet at the ministerial level;

(f) When the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of United Nations bodies, agencies or field missions report to the Security Council, they should do so, as a general rule, in a public format.

(g) Exceptionally, the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of the United Nations bodies, agencies or field missions may report to the Security Council in private.

Suggested amendment to subparagraph (g)

Delete the word "Exceptionally".

2. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Participation of non-members in meetings of the Security Council and informal consultations of the whole*

The active participation of non-members in the substantive discussions of the Security Council is an important step towards making the work of the Council more open, effective, transparent and representative.

3. Suggested improvements to the present practice:

(a) The Security Council should more frequently hear the views of non-members of the Council, in public meetings at the beginning of its consideration of a substantive matter;

---

* This title to be reviewed when we reach the stage of institutionalization.

Suggested amendments to subparagraph (a)

(1) Delete the entire subparagraph.

(2) Insert the words "in particular" after the words "in public meetings".

(3) Insert the word "including" before the words "in public meetings".

(4) Insert the words "in a timely fashion" in place of the words "at the beginning of".

(5) Insert the words "in particular at an early stage of its consideration" in place of the words "at the beginning of its consideration of a substantive matter".

(6) Insert the words "in particular at an early stage in its consideration of a subject" in place of the words "at the beginning of its consideration of a substantive matter".

(7) Merge the subparagraph with subparagraph 1 (d) in section A.

(8) Insert the words "at all stages" in place of the words "at the beginning".

(b) When a non-member of the Security Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet the non-member in question and inform the Council about the démarche;

(c) The Security Council should fully implement Articles 31 and 32 of the Charter and rules 37 and 38 as well as all other relevant Provisional Rules of Procedure;

(d) Non-members of the Security Council whose interests are specially affected and who are willing to participate in a private meeting should state this special interest in a letter to the President of the Security Council. This letter should include a specification and substantiation of the interest referred to; furthermore, it should name the subjects intended to be raised in the meeting. The President should distribute the letter to all members of the Security Council.

(e) Speaking time in private meetings should be limited to a maximum of five minutes and should focus on the subject under consideration.

Suggested amendment to subparagraphs (d) and (e)

Replace the two subparagraphs with the following single subparagraph: "Non-members of the Security Council whose interests are specially affected and who are willing to participate in a private meeting should indicate in writing to the President of the Security Council their desire to do so. The President of the Council should accordingly respond in writing to the requests received from non-members in this regard."

(f) The Security Council should, on a timely and regular basis, conduct consultations with countries affected by the decisions of the Council;

Suggested amendment to subparagraph (f)

Insert the words "The President of the Security Council" in place of the words "The Security Council".

(g) The members of the Security Council should, as appropriate, invite non-members of the Council to participate in their discussions during informal consultations of the whole on matters directly affecting such members, under similar arrangements as stipulated in Articles 31 and 32 of the Charter;

Suggested amendments to subparagraph (g)

(1) Delete the entire subparagraph.

(2) Delete the words "as appropriate".

(3) Revise the subparagraph to read: "The non-members of the Security Council should be invited to participate in Council discussions during informal consultations of the whole on matters directly affecting them, under similar arrangements as stipulated in Articles 31 and 32 of the Charter".

4. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

C. Programme of work of the Security Council and agenda of its meetings and informal consultations of the whole*

5. Suggested improvements to the present practice:

(a) The Security Council's tentative forecast of its programme of work for the coming month should be made available to all Member States as soon as it is available to members of the Council;

(b) The calendar setting out the Security Council's provisional monthly schedule of work, and updated versions thereof, should be made available to all Member States as soon as possible after their consideration by the members of the Council;

(c) The Council should consider its monthly programme of work at a public meeting;

(d) The provisional agenda of the Security Council, with indications as to actions expected of the Council (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under "other matters", whenever they are known in advance, should be included in the *Journal of the United Nations*.

---

* This title to be reviewed when we reach the stage of institutionalization.

6. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

D. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and informal consultations of the whole*

7. Suggested improvements to the present practice:

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. The briefings should take place immediately after Council meetings or informal consultations of the whole. Interpretation should be provided for those briefings. Briefings for non-members should be closed and held no later than briefings for the media. The President of the Council will decide whether written records of such briefings, including the elements of statements made by him/her to the press, should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the permanent missions to the United Nations through electronic mail;

Suggested amendments to subparagraph (a)

(1) In the second sentence, insert the word "private" between the word "Council" and the word "meetings".

(2) In the fourth sentence, insert the words "in parallel with" in place of the words "no later than".

(3) In the fourth sentence, insert the words "statements to the media" in place of the words "briefings for the media".

(4) In the final sentence, insert the words "made available" in place of the word "transmitted".

(b) A short factual summary of the Council's informal consultations of the whole, prepared by the Secretariat in consultation with the President, should be circulated to all Member States no later than the day after. The summaries should also be transmitted to permanent missions through electronic mail;

Suggested amendments to subparagraph (b)

(1) Delete the entire subparagraph.

(2) Insert the words "a short summary of major points of discussion" in place of the words "a short factual summary".

(3) Redraft the subparagraph to take into consideration the need for confidentiality.

(c) Draft resolutions and draft presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the

---

* This title to be reviewed when we rech the stage of institutionalization.

Council for action on its agenda items, should be made available by the President of the Security Council also to non-members of the Council as soon as such documents are tabled; or earlier, if so authorized by the author of the draft;

(d) The President, in briefing non-members of the Council, should provide information about the main elements and any new elements of draft resolutions, presidential statements and other documents under consideration by the Council.

8. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

E. Meetings with troop-contributing countries and other countries contributing to a peacekeeping operation

9. Suggested improvements to the present practice:

(a) The Security Council should ascertain the views of the prospective troop-contributing countries before and while drafting mandates for peacekeeping operations since these countries are primarily responsible for implementing the Council's mandate on the ground. While authorizing force, the Security Council should adhere to the provisions of Articles 43 and 44 of the Charter of the United Nations;

Suggested amendment to subparagraph (a)

Delete the second sentence of the subparagraph.

(b) Meetings between members of the Security Council and countries which contribute troops and civilian police, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of a peacekeeping operation, including the extension and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;

(c) Other countries contributing to a peacekeeping operation should be invited, as appropriate, to these meetings;

(d) Countries directly concerned and/or affected by a peacekeeping operation, including host countries, should also, in specific circumstances and where appropriate, be invited to these meetings;

Suggested amendments to subparagraph (d)

(1) Delete the words "in specific circumstances and where appropriate".

(2) Insert the word "as" in place of the words "in specific circumstances and where".

(e) **Meetings with troop-contributing countries and other countries contributing to a peacekeeping operation should be convened and chaired by the President of the Security Council, supported by the Secretariat;**

(f) Upon the request of a troop-contributing country, the President of the Council should promptly convene meetings with troop-contributing countries;

Suggested amendments to subparagraph (f)

(1) Insert after the word "country" the words "in case of emergencies".

(2) Combine this subparagraph with subparagraph (b).

(g) **The President of the Security Council should make the necessary arrangements to ensure that the meetings with troop-contributing countries and other countries contributing to a peacekeeping operation are held at a time that allows those countries to adequately consider the relevant reports of the Secretary-General. The Secretariat should make these reports available at an appropriate time before such meetings;**

(h) **Meetings should be announced in the *Journal of the United Nations*;**

(i) **Immediately following meetings between Security Council members, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the contents of such meetings. Such briefings should be announced in the *Journal of the United Nations*;**

(j) **A written summary of meetings with troop-contributing countries, prepared by the Secretariat in consultation with the President of the Security Council, which does not compromise the confidentiality of the work of those meetings, should be made available promptly to all Member States. Written copies of the Secretariat's briefings at those meetings should, whenever possible, be made available to troop-contributing countries upon request;**

(k) **The President of the Security Council should report to the Council the views expressed by participants at troop-contributors' meetings. The Council should fully take into account these views in its deliberations.**

(l) The Secretariat should make available, in all official languages, to troop-contributing countries weekly reports on field operations, which are available to members of the Security Council;

Suggested amendments to subparagraph (l):

(1) Insert the words "continue to" after the word "should".

(2) Insert the words "to all Member States" in place of the words "to troop-contributing countries".

10. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

F. Reports of the Security Council to the General Assembly

11. Suggested improvements to the present practice:

(a) The annual report of the Security Council to the General Assembly, submitted pursuant to Article 24 (3) of the Charter, should give a detailed and comprehensive account of the Council's work and should be made available to the General Assembly no later than 30 August;

Suggested amendments to subparagraph (a)

(1) Insert the word "factual" in place of the words "detailed and comprehensive".

(2) Insert the word "factual" between the words "comprehensive" and the word "account".

(3) Insert the word ", objective" between the word "detailed" and the words "and comprehensive".

(4) Insert the words "substantive, analytical and material" in place of the words "detailed and comprehensive".

(5) Insert the words "if possible" after the words "made available to the General Assembly".

(6) Insert the words "before the beginning of the general debate" in place of the words "no later than 30 August".

(b) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council, including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments, prepared under the exclusive responsibility of the President following consultations with Council members, should be balanced, comprehensive and objective and distributed as official documents to all Member States immediately after their issuance by the outgoing President. They should also be appended to the annual report of the Council to the General Assembly;

Suggested amendments to subparagraph (b)

(1) In the first sentence, delete the words "including, as appropriate, informal consultations of the whole, held".

(2) Delete in the second sentence the words "balanced, comprehensive and objective and".

(3) The existing practice (set out in document S/1997/451) should be retained.

(c) The annual report of the Security Council should also include information on the informal consultations of the whole;

Suggested amendments to subparagraph (c)

(1) Add the following words at the end of the sentence: "and statements that the President of the Security Council makes to the press on behalf of the members of the Council".

(2) Add the following words at the end of the sentence: "and statements that the President of the Security Council makes to the press with the prior authorization of the Security Council".

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

Suggested amendment to subparagraph (e)

Replace the subparagraph with the following sentence: "The annual report should enable Member States to assess the extent to which relevant General Assembly resolutions have been taken into account by the Council in its decisions."

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account Assembly resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or other substantive work of the subsidiary organs of the Council, in particular the sanctions committees, in the appendices to the annual report;

Suggested amendments to subparagraph (f)

(1) Delete the entire subparagraph.

(2) Delete subparagraph (f) (i).

(3) Insert a new subparagraph (f) (ii) *bis* to read: "Strengthen further the section in the report on the steps taken by the Council to improve its working methods".

(4) Delete in subparagraph (f) (i) the words "as appropriate".

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

12. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

G. "Arria formula"

13. Suggested improvements to the present practice:

On the initiative of one of its members and in keeping with rule 39 of its provisional rules of procedure, the Security Council could resort, as appropriate, to the Arria formula to hear views and obtain or exchange information with personalities, organizations, institutions, or whomever it considers pertinent, involved in a conflict. At no time will the Security Council receive representatives of Governments of United Nations Member States under this mechanism. The level of representation of the Security Council members should be commensurate with that of those invited.

Suggested amendments:

(1) In the first sentence, delete the words "and in keeping with rule 39 of its provisional rules of procedure".

(2) In the first sentence, insert the words "members of the" before the words "Security Council".

(3) In the first sentence, insert the words "based on the agreement of its members" after the words "Security Council".

(4) In the first sentence, insert the words "in an informal way" after the words "exchange information".

(5) In the first sentence, delete the word "personalities".

(6) In the first sentence, insert the words "any persons whom" in place of the words "personalities, organizations, institutions or whomever".

(7) In the first sentence, insert the words "in accordance with Article 65 of the Charter and as provided for by the Economic and Social Council" after the words "personalities, organizations, institutions".

(8) In the first sentence, insert the words "whose contributions" before the words "it considers pertinent".

(9) At the end of the first sentence, delete the words "involved in a conflict".

(10) At the end of the first sentence, insert the words "to reach a better understanding of the situation under consideration" in place of the words "involved in a conflict".

(11) At the end of the first sentence, insert the words "because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration" in place of the words "involved in a conflict".

(12) At the end of the first sentence, insert the words "issues before the Council" in place of the words "involved in a conflict".

(13) Replace the first sentence with the following two sentences: "The Security Council should fully implement rule 39 of its provisional rules of procedure. Bearing in mind this rule, the Security Council may agree to resort, as appropriate, to the Arria formula as an informal way to hear views and obtain or exchange information with personalities, organizations, institutions, or whomever it considers pertinent, involved in a conflict".

(14) Delete the second sentence.

(15) Delete the third sentence.

(16) Delete the entire section G.

14. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

15. Suggested improvements to the present practice:

Requests for meetings of the Security Council in accordance with Articles 35 and 99 of the Charter should be immediately circulated as a document of the Council, and the requested meeting should be promptly convened.

16. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

I. Consultations pursuant to Article 50 of the Charter

17. Suggested improvements to the present practice:

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned.

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter which would become immediately operational upon the receipt of such request.

Suggested amendment to subparagraph (b)

Delete the entire subparagraph.

(c) The Security Council should take fully into account those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations", that are relevant to the application of Article 50 of the Charter and relate to the working methods of the Security Council and the transparency of its work.

18. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

J. Mechanism to alert non-members of the Security Council to unscheduled or weekend meetings

19. Suggested improvements to the present practice:

The Secretariat should continue to alert non-members of the Security Council of unscheduled emergency meetings of the Council, including information as to their subject matter and purpose, during nights, weekends and holidays (e.g., a voice recording, a web site, an electronic message and a facsimile transmission to all Member States).

20. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

K. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

21. Suggested improvements to the present practice:

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which Members of the Bureau of the General Assembly could be invited, when the need arises. In the event of an international crisis or any other urgent development, such consultations should be held more frequently.

(b) The President of the Security Council is requested to raise with the President of the General Assembly, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section F.11(e) above. The President of the General Assembly should report to the Assembly on the steps taken by the Council in this regard.

(c) The President of the Security Council should brief the Chairmen of the regional groups on the programme of work of the Council at the

beginning of the month and should later continue to inform them as appropriate and as need arises.

22. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

L. Consultations with funds, programmes and agencies

23. **Suggested improvements to the current practice:**

In cases when the Security Council is involved in mandating humanitarian and operational assistance, the President of the Council should consult the principal officers of the organizations concerned.

Suggested amendments:

(1) Revise the subparagraph to read: "The conduct of operational and humanitarian activities must conform to the guiding principles of humanitarian assistance and the principles of United Nations development assistance. In cases when, as a transitory and exceptional measure, the Security Council is involved in overseeing and mandating humanitarian and operational assistance, the President of the Council should consult the principal officers of the organizations concerned before the Council acts. The decisions of the respective executive board and of the General Assembly shall be final in all aspects of such programmes".

(2) Revise the subparagraph to read: "In case when, as a measure of exception, the Security Council mandates an operation of overseeing or protecting the delivery of humanitarian assistance, the Council should conduct proper consultations with the principal officers of the United Nations agencies or funds or programmes concerned prior to the issuance of the mandate or during the renewal of this mandate."

24. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

M. Records and archives

25. **Suggested improvements to the present practice:**

(a) The Security Council should review its procedures and rules for the creation and maintenance of and access to the records and archives of its private and public meetings and consultations.

Suggested amendments to subparagraph (a)

(1) Delete the words "and consultations".

(2) Insert the words "informal consultations of the whole" in place of the word "consultations".

(3) Insert the words "of the whole" at the end of the sentence.

(b) Procedures for promptly fulfilling requests for these records and archives by the accredited representatives of any member of the Security Council should be established.

Suggested amendments to subparagraph (b)

(1) Insert the word "considering" in place of the word "fulfilling".

(2) Insert the words "access to" before the words "these records".

(3) Insert the word "non-members" in place of the words "any member".

(4) Insert the words "United Nations" in place of the words "Security Council".

(5) Insert a new subparagraph (b) *bis* to read: "Members of the Security Council shall at all times have the right to consult the records of the private meetings of the Council".

(c) In its annual report to the General Assembly, the Security Council should certify that the maintenance of its records and archives meet the established international standards for the management of records and archives.

26. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

III. Subsidiary organs of the Security Council

A. Sanctions committees

27. Suggested improvements to the present practice:

(a) Summary records of the meetings of the sanctions committees, which do not compromise the confidentiality of the work of the committees, should be made available promptly to non-members of the Security Council;

(b) The sanctions committees should ensure that the administrative procedure of processing applications for exemptions from sanctions regimes is as efficient as possible in order to avoid delays in clearing applications and thus to minimize unintended adverse side effects of sanctions;

Suggested amendments to subparagraph (b)

(1) Insert a new subparagraph (b) *bis* to read: "The countries specially affected by sanctions regimes, including target countries, should be given reasonable access to sanctions committees to explain their situations directly related to the implementation of sanctions".

(2) In suggested subparagraph (b) *bis*, delete the word "reasonable".

(c) **The Security Council should take fully into account those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Questions of sanctions imposed by the United Nations", that are relevant to the procedures and working methods of the sanctions committees;**

Note: **This subparagraph will be considered further in connection with subparagraph I.17(c).**

(d) **The agenda of the meetings of the sanctions committees should be announced in the *Journal of the United Nations* in the same way as the agenda of the Security Council;**

(e) **Chairmen of sanctions committees should, as appropriate, after each meeting continue to give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should continue to be announced in the *Journal of the United Nations*.**

(f) **Public information on the work of the sanctions committees should be made available on the Internet and through other means of communication.**

28. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Other subsidiary organs

29. Suggested improvements to the present practice:

(a) Meetings of subsidiary organs of the Council established pursuant to Article 29 of the Charter should be more transparent and their proceedings, when appropriate, open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations*, and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members.

Suggested amendments to subparagraph (a)

(1) Delete the word "more" in the first sentence.

(2) In the first sentence, insert the words "and working groups of the Security Council" after the words "the Charter".

(3) Delete the entire subparagraph.

(b) **Chairmen of other subsidiary organs of the Security Council should, as appropriate after each meeting, give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such**

meetings. Such briefings should be announced in the *Journal of the United Nations*.

Note: The question of a reference to Security Council working groups in this subparagraph may require further consideration.

30. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

IV. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

31. **Suggested improvements to the present practice:**

In accordance with relevant provisions of the Charter, the Security Council should consider requesting more often the International Court of Justice to give an advisory opinion on any legal question.

Suggested amendments

(1) Insert the words "request more often" in place of the words "consider requesting more often".

(2) Insert the words "request as appropriate" in place of the words "consider requesting more often".

32. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Economic and Social Council

33. **Suggested improvements to the present practice:**

(a) In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.

34. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

V. Relationship between the Security Council and regional arrangements and agencies

35. Suggested improvements to the present practice:

(a) Efforts to enhance regional capacities should not relieve the Security Council of its obligations under the Charter of the United Nations, which confers on it the primary responsibility for the maintenance of international peace and security;

Suggested amendments to subparagraph (a)

(1) Insert the words "peacekeeping capacities of regional arrangements or agencies" in place of "regional capacities".

(2) Delete the entire subparagraph.

(b) In its relations with regional arrangements and agencies, the Security Council should fully implement the relevant provisions of General Assembly resolution 49/57 of 9 December 1994 and annex I to General Assembly resolution 51/242 of 15 September 1997, entitled "Coordination", bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security;

Suggested amendment to subparagraph (b)

Insert the words "take fully into account" in place of the words "fully implement".

(c) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned.

Suggested amendment to subparagraph (c)

(1) Insert the words "Close consultation should be maintained between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

(2) Insert the words "Consultation should be strengthened between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

(3) Revise the subparagraph to read: "The Security Council, in accordance with the provisions of Chapter VIII of the Charter, should enhance its cooperation and consultations on matters affecting the maintenance of international peace and security, with the relevant regional arrangements and agencies."

(4) Delete the entire subparagraph.

Suggested amendments to subparagraphs (a)-(c)

(1) Delete the entire section V.

(2) Retain subparagraphs (a) and (c) if section V is to be retained.

36. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

VI. Rules of procedure and institutionalization of the measures taken by the Security Council to enhance its working methods and transparency

37. **Suggested improvements to the present practice:**

The Security Council should finalize its provisional rules of procedure. Towards this end, the following steps should be taken by the Council:

(i) The arrangements regarding various measures that the Council has already adopted to enhance its methods and transparency, as well as the new measures discussed above, should be institutionalized as proposed by this Working Group in sections II-V of the present report;

(ii) After institutionalization of the measures described in subparagraph (i) above, there should be an overall review of the provisional rules of procedure, after which the word "provisional" should be deleted.

Annex X

Letter dated 5 July 2000 from the delegation of Italy to the Bureau of the Working Group concerning legal observations on the notion of permanent membership on the Security Council*

During the third and fourth substantive sessions of the Working Group, several delegations expressed the view that it would be useful to have an in-depth discussion of the terminology and concepts being used with regard to the expansion of the Security Council.

There is a widespread perception that some proposals for Security Council reform use generic and often contradictory language. The problem with such ambiguities is that they erase substantial distinctions between proposals and treat radically different concepts as if they were the same. In order to make progress in our deliberations, we need to focus instead on defining fundamental and structural questions and avoiding confusion.

To this end, the Italian delegation has drafted a paper containing legal observations on the notion of permanent membership on the Security Council (see attachment). We would be grateful if the Bureau could circulate the present letter and its attachment as a contribution to the debate in the next session of the Working Group.

---

* Previously issued as document A/AC.247/2000/CRP.5.

Attachment

Legal observations on the notion of "permanent membership" on the Security Council

1. Introduction

We highly appreciate the work of the Bureau of the Working Group on the reform of the Security Council in preparing the compendium (A/AC.247/2000/CRP.2/Rev.1; see annex VI). The document represents an excellent basis for facilitating the continued discussion, with the active participation of all Member States. According to the current programme of work, the compendium contains three distinct sections under the heading: "Expansion of the Security Council":

A. Total size of the enlarged Security Council

B. Increase in the permanent membership (including the issues of extension of the veto to the new permanent membership and permanent regional representation)

C. Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership)

Within each of these sections, the Bureau lists various proposals submitted to the Working Group, which have been commented on at length in previous sessions.

At this juncture, it is useful to assess the legal implications of some proposals that suggest that there could be an increase in the number of permanent seats. We must always keep in mind that the goal of our reform exercise is an expansion of the Security Council that responds to the need for more equitable geographical representation on and greater efficiency of the Council. Due consideration should also be given to the historic circumstances in which the Charter of the United Nations was adopted. To ensure that a wise political decision is made on the issue of expansion and that lasting and constructive results are achieved, every stage of the exercise on the reform must rest on a solid legal foundation.

Two particular aspects require careful assessment:

(a) The reference to a broad and generic category of "permanent membership" of the Security Council, with characteristics that are not necessarily recognized and/or regulated by the United Nations Charter;

(b) The related remark that several proposals included under the heading "increase in the permanent membership" entail, in reality, an enlargement of the Security Council by creating new categories of members that are not contemplated by the provisions of the Charter.

These aspects reflect misleading notions that would steer the reform process into a series of contradictions inconsistent with the need to reach general agreement on the crucial issue of enlargement.

2. Permanent membership or permanent members?

At present, the Charter of the United Nations recognizes only one well-defined type of permanent member of the Security Council — individual Member States whose names are inscribed in the Charter as permanent members, and who are endowed with a series of rights and privileges within the United Nations system, the most prominent of which is veto power.

Their status is defined as follows:

(a) **Article 23, paragraph 1**, names the permanent members of the Security Council as China (identified since 1971 as the People's Republic of China), France, the Russian Federation (which took the place of the former USSR), the United Kingdom and the United States. **Article 27, paragraph** 3, states that Council decisions on any question other than procedural matters are made by an affirmative vote of nine members, including the concurring votes of the permanent members;

(b) Still other provisions of the Charter grant a privileged status to permanent members. **Article 47, paragraph 2, first part**, establishes that the "Military Staff Committee" shall consist of the Chiefs of Staff of the five permanent members. **Articles 108 and 109**, regarding procedures for amending and reviewing the Charter, stipulate that amendments and alterations approved by the General Assembly can only enter into force after ratification by two thirds of United Nations members, including all the permanent members of the Security Council. **Article 110** sets the procedures for the entry into force of the Charter itself;

(c) Further privileges are accorded to permanent members by General Assembly resolutions, such as **General Assembly resolution 33/138 of 19 December 1978**, on the election of the 21 vice-presidents of the Assembly. Others derive from the practice of the Organization, especially with regard to the uninterrupted participation of the permanent members in various principal and subsidiary organs of the United Nations (including the Economic and Social Council, the International Court of Justice and the International Law Commission).

The prominent position given to certain States results from their role in the historic events surrounding the foundation of the United Nations and justifying the large exception made to the principle of the sovereign equality of States. Since the selection of the permanent members in 1945 predated the adoption of the Charter, it does not establish criteria for assigning permanent seats in the Security Council. At that time, there was an assumption that the selection was pre-eminently political, in the sense that it was not subject to the scrutiny of the general membership. The opposite holds true for non-permanent members. Article 23, paragraph 1, second part, establishes that members of the United Nations shall be elected to non-permanent seats with due regard for their contribution to the maintenance of international peace and security, the other purposes of the Organization and equitable geographical distribution.

The state of being a permanent member is therefore defined solely in terms of the individual entitlement to the above-mentioned rights and privileges and not in terms of general, abstract criteria that justify the attribution of such a status. It is evident that the same concept of "membership" presupposes the existence of a set of objective features that characterize collectively all the members of the category. It is precisely the absence of such identifying features that makes the generic notion of "permanent membership" so hard to accept. The correct terminology would preferably be "permanent members". It follows that one cannot consider an increase in their number without automatically referring to the narrow definition in the Charter, which speaks exclusively of an individual status — and not of a membership — endowed with veto power.

3. Proposals for new categories of membership

The overwhelming majority of proposals listed under section B of heading II of the Bureau's compendium, devoted to the question of permanent members, do not provide for an increase in the number of explicitly named permanent members with the same entitlements as the five current permanent members. Instead, they refer for the most part to other options, such as adding new permanent members without veto power, new "rotating" permanent seats with or without veto power, and "regional permanent seats" within the Council. The list also contains a number of possible mixed solutions, such as allocating new permanent seats to both single Member States and regional groups, or new national permanent seats and non-permanent seats that have longer terms. Some proposals introduce concepts totally alien to the Charter, such as the distinction between industrialized and developing countries.

All these options represent substantial innovations to the Charter and in several cases correspond to the disposition of many Member States to be flexible and creative in order to achieve progress towards a general agreement. We wonder whether these proposals should not be treated in a separate section or sections of the compendium for the purpose of assessing the support of the United Nations membership of new formulas of expansion of the Security Council. This would indicate that their approval would lead to the creation of new categories of membership that do not exist in the current constitutional structure of the United Nations. Within this section or these sections, the same options could be examined on a distinct and individual basis, also in order to prevent oversimplifications or ambiguities.

The variety of proposals for new categories of membership becomes even more evident in comparisons between an alleged but undefined "permanent membership" and the well-defined category of "non-permanent membership". The Charter clearly defines non-permanent membership not only in terms of its more limited rights but also in terms of the stringent criteria for selection stipulated under Article 23. Therefore, references to an "enlargement of the Security Council in both permanent and non-permanent membership" made during the debates within the Working Group suffer from a logical inconsistency, thinly disguising the lack of a sound legal foundation in the Charter. They also clash with the evidence that one can only use the expression "permanent members" of the Council in a narrow sense and in accordance with the current provisions of the Charter, particularly Articles 23 and 27.

Annex XI

Conference room paper submitted by the Bureau of the Working Group, entitled "Decision-making in the Security Council, including the veto; expansion of the Security Council; periodic review of the enlarged Security Council"* **

I. Decision-making in the Security Council, including the veto

A. The veto as a voting instrument in the Security Council

(a) Proposals not necessarily requiring Charter amendment

(1) The veto as a voting instrument should be maintained as today. [oral proposal at May 2000 session of the Open-ended Working Group (OEWG)]

(2) The veto as a voting instrument should be maintained without amendment to the Charter of the United Nations. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(3) Any attempt to restrict or curtail the veto rights of the permanent members would not be conducive to the reform process. [oral proposal at May 2000 session of OEWG, referring to document S/1999/996]

(4) The proposals regarding limitations of the rights of the veto, found in the 1948 documents to the Interim Committee by representatives of China (A/AC.18/13), the United Kingdom of Great Britain and Northern Ireland (A/AC.18/17), and the United States of America (A/AC.18/41), should be considered. [oral proposal at May 2000 session of OEWG]

(5) New permanent members should commit themselves not to use the veto de facto, even if they have it *de jure*. [oral proposal at May 2000 session of OEWG]

(6) The introduction of an obligation for a State to explain to the General Assembly why it is vetoing a resolution would make it more difficult to do so and thus bring about substantial progress towards using the right of veto more responsibly. [A/AC.247/2000/CRP.4]

(7) The Security Council or the General Assembly should update the annex to Assembly resolution 267 (III), containing a list of decisions deemed procedural. [A/52/47, annex III, section VI.A, para. 26 (b) (i)]

(8) The Security Council or the General Assembly should provide a legal definition of what constitutes a procedural matter or clear criteria as to what is of a procedural nature (Article 27, paragraph 2, of the Charter). [A/52/47, annex III, section VI.A, para. 26 (b) (ii)]

(9) The Security Council should further explore the proposal for a provision enabling a permanent member to cast a negative vote without that vote constituting a veto if the member so declares. [A/52/47, annex III, section VI.A, para. 26 (c) (i)]

---

* Previously issued as document A/AC.247/2000/CRP.2/Rev.3.

** The order of the proposals in this paper does not signify any priority, preference or importance.

(10) The Security Council should explore further the possibility for unilateral declarations by the permanent members containing a commitment not to resort to the veto. [A/52/47, annex III, section VI.A, para. 26 (c) (ii)]

(11) The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. [A/52/47, annex X, section I.A, para. 1]

(12) The permanent members of the Security Council should exercise the veto in a manner consistent with their responsibilities under the Charter. The permanent members should always provide a written justification whenever they exercise the veto. [A/52/47, annex X, section I.A, para. 2]

(13) A legal definition of what constitutes a procedural matter in the decision-making of the Security Council should be formulated. A list of decisions of the Security Council deemed procedural should be developed, *inter alia*, through the revision of the annex to General Assembly resolution 267 (III). [A/52/47, annex X, section I.A, para. 4]

(14) The General Assembly should adopt a declaration expressing its attitude towards the veto as a voting instrument in the Security Council, encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process. The declaration should also contain recommendations to the Council aimed at curtailing, limiting or discouraging the use of the veto. [A/52/47, annex X, section I.A, para. 5]

(15) The permanent members of the Security Council, collectively or individually, should commit themselves, in a legally binding manner, not to resort to the veto or to the threat of its use beyond actions taken under Chapter VII of the Charter. Such commitments should be incorporated into the rules of procedure of the Security Council. [A/52/47, annex XI, section I.A, para. 1]

(16) The permanent members of the Security Council should exercise the veto in a manner consistent with their responsibilities under the Charter and in accordance with the norms of international law. The veto should be exercised only when permanent members consider the question of vital importance, taking into account the interests of the United Nations as a whole. To state upon what factual and legal ground the permanent members consider this condition to be present, they should always provide a written justification, which could be considered legally binding. [A/52/47, annex XI, section I.A, para. 2]

(17) The Security Council should introduce a practice whereby a permanent member would be able to cast a negative vote without such a vote constituting a veto when the member so declares. This would be similar to the current practice concerning the abstention, non-participation or absence of a permanent member in the Council's decision-making process. [A/52/47, annex XI, section I.A, para. 3]

(18) A legal definition of what constitutes a procedural matter in the decision-making of the Security Council should be formulated. In lack thereof, clear criteria as to which matters are of a procedural nature should be developed. Decisions referred to as being of a procedural nature could be based on the following criteria:

(a) All decisions adopted in application of provisions that appear in the Charter under the heading "procedure";

(b) All decisions concerning the relationship between the Security Council and other organs of the United Nations, or by which the Security Council seeks the assistance of other organs of the United Nations;

(c) All decisions related to the Security Council's internal functioning and the conduct of its business;

(d) All decisions that bear a close analogy to decisions included under the above-mentioned criteria;

(e) Certain decisions instrumental in arriving at or in following up a procedural decision. [A/52/47, annex XI, section I.A, para. 4]

(19) The permanent members shall generally be guided by the annex to General Assembly resolution 267 (III) of 14 April 1949 regarding which matters should be deemed procedural. [A/52/47, annex XI, section I.A, para. 5]

(20) The following decisions have been suggested to be deemed procedural, in addition to those contained in the annex to resolution 267 (III):

(a) All decisions taken by the Security Council under Chapter VI of the Charter, including:

(i) Decisions to call upon the parties to a conflict to resort to peaceful means of conflict resolution;

(ii) Decisions on mediation efforts and measures of preventive diplomacy;

(iii) Decisions calling for gathering of information or for the dispatch of observers to ascertain facts;

(b) Decisions to call upon the parties to a conflict to abide by the rules of international humanitarian law;

(c) Decisions on procedural matters related to consultations with troop-contributing countries;

(d) Decisions on the timing and modalities of submitting the report of the Security Council to the General Assembly;

(e) Recommendations of the Security Council made in accordance with Articles 4, 5, 6 and 97 of the Charter;

(f) Decisions taken under Article 40 of the Charter relating to provisional measures;

(g) Decisions adopted on the basis of implementing Article 50 of the Charter. [A/52/47, annex XI, section I.A, para. 6]

(21) General Assembly resolution 267 (III), with its updated annex and any agreed additional decisions deemed procedural, should be recommended to the Security Council for adoption and incorporation into its rules of procedure. [A/52/47, annex XI, section I.A, para. 7]

(22) The members of the Security Council shall make every effort to seek consensus in the Council decision-making process. [A/52/47, annex XIV, para. 1]

(23) The permanent members of the Security Council shall make statements, either individually or collectively, that the veto will be exercised in a manner consistent with their responsibilities under the Charter. [A/52/47, annex XIV, para. 2]

(24) In the event of any veto of a draft resolution of the Security Council, the permanent members should accompany that decision with an explanation of such action. [A/52/47, annex XIV, para. 4]

(25) A high-level working group should consider the question of the veto and submit any agreed recommendations to the General Assembly as soon as it is able, if possible prior to the adoption of Charter amendments. [A/52/47, annex XIV, para. 5]

(26) The permanent members of the Security Council should endeavour not to resort to the veto or to the threat of its use. They should exercise the veto in a manner consistent with their responsibilities under the Charter. The General Assembly should adopt a declaration encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process. [A/52/47, annex XV]

(27) The General Assembly, in accordance with Article 10 of the Charter would make specific recommendations aimed at reducing areas where the veto can be applied. [A/52/47, annex XVI, para. 3 (a)]

(28) The existing permanent members would state, individually or collectively, in writing, that they would commit themselves to exclude the use of the veto as recommended by the General Assembly. [A/52/47, annex XVI, para. 3 (b)]

(29) The permanent members of the Security Council, mindful of the fact that they are acting on behalf of the United Nations as a whole, should exercise the veto only when they consider the question to be of vital importance, taking into account the interest of the United Nations as a whole, and should state in each case, in writing, on what ground they consider that condition to be present. [A/52/47, annex XVI, para. 4 (a)]

(30) The veto should be excluded in respect of matters contained in the annex to General Assembly resolution 267 (III), entitled "Decisions deemed procedural", updated as necessary. [A/52/47, annex XVI, para. 4 (b)]

(31) To discourage the use of the veto, the General Assembly should decide to urge the original permanent members of the Security Council to limit the exercise of their veto power to actions taken under Chapter VII of the Charter. [A/51/47, annex II, para. 4 (a)]

(b) Proposals requiring Charter amendment

(1) The exercise of the veto could be confirmed by two thirds of the vote of the members of the General Assembly. [oral proposal at July 2000 session of OEWG]

(2) The veto should be completely eliminated [oral proposal at July 2000 session of OEWG]

(3) In the context of Article 103 of the Charter, any curtailment of the veto power necessarily entails an amendment to the Charter. [written proposal submitted to the Bureau after the June 2000 session of OEWG]

(4) The veto should be curtailed with a view to its elimination and the Charter should be amended so that, as a first step, the veto power should only apply to actions taken under Chapter VII of the Charter. [A/53/47, annex X, para. 6]

(5) The exercise of the veto should be progressively curtailed until abrogated. [A/53/47, annex XIII, para. 6 (c)]

(6) The Charter should be amended so that a single veto will not prevent action on a proposal that has achieved the required majority. [A/52/47, annex III, section VI.A, para. 26 (a) (ii)]

(7) The Charter should be amended so that Article 4, paragraph 2, and Articles 5, 6, 27, 97, 108 and 109 are changed with a view to limiting the application of the veto. [A/52/47, annex III, section VI.A, para. 26 (a) (iv)]

(8) The Charter should be amended so that, as a first step, the veto would apply only to decisions taken under Chapter VII of the Charter, *inter alia*, through amendments to Articles 4, 5, 6, 27, 97, 108 and 109. [A/52/47, annex XI, section I.B, para. 8]

(9) Paragraph 2 of Article 27.2, pertaining to decisions on procedural matters, should be redefined. [A/52/47, annex XI, section I.B, para. 9]

(10) The Charter should be amended to provide, as part of the voting mechanism of the Security Council under Article 27 of the Charter, for a reference to the veto with all its specific criteria. [A/52/47, annex XI, section I.B, para. 10]

(11) The Charter should be amended to provide for suspension of the veto on specific occasions, as defined by a prescribed qualified majority of the General Assembly. [A/52/47, annex XI, section I.B, para. 11]

(12) The Charter should be amended so that at least two negative votes by permanent members of the Security Council would be required to prevent the adoption of a decision that has received the required majority. [A/52/47, annex XI, section I.B, para. 12]

(13) The veto should be excluded in respect of recommendations under Articles 4, 5, 6 and 97 of the Charter. [A/52/47, annex XVI, para. 4 (c)]

(14) Time limits should be established on the right of the veto, which, by its nature, should not be perpetual. In the year 2030, approximately 85 years will have passed since the occurrence of the events that justified its creation. The permanent members of the Security Council should recognize the concept that their right to the veto cannot be eternal and should commit themselves to discussing its abolition in that year or another close to it, to be determined by mutual agreement, or should indicate the conditions required for them to accept the abolition of the veto at a given time. [A/52/47, annex XVII]

(15) Use of the veto should be curtailed with a view to its eventual elimination. [A/51/47, annex XI, para. 1.4]

(16) Current efforts to limit the use of the veto, as stipulated in the Charter (Chapter VI), should continue to be encouraged as they reflect the consensus that is currently emerging in international relations. The number of vetoes required to block action should be increased. [A/50/47, annex IV, para. 33 (e)]

(17) Pending the ultimate elimination of the veto, the entitlement to the veto should be so modified that it is available only where a minimum of two [or three] permanent members concur in its exercise. [A/50/47, annex XV, para. IV.C.3]

B. The number of affirmative votes required for decisions in the Security Council

(1) Once agreement is reached on expanding the Security Council, the number of affirmative votes required for decisions in the Council should remain at around the present action threshold of 60 per cent. The exact proportion of Council members necessary to initiate action will need to reflect the new composition of the Council. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(2) If the present action threshold is maintained at approximately the present level (60 per cent), the number of affirmative votes required for a decision would be: in a Council of 24: 14; in a Council of 25: 15; and in a Council of 26: 16. [A/52/47, annex III, section VI.B, para. 28]

(3) If the present action threshold is maintained at approximately the present level (60 per cent), the number of affirmative votes required for a decision would be: in a Council of 20: 12; in a Council of 21: 13; in a Council of 23 or 24: 14; in a Council of 25: 15; and in a Council of 26: 16. Proposals for changing the present action threshold could also be considered. [A/52/47, annex X, section II, para. 9; also in annex XI, section II, para. 13]

II. Expansion of the Security Council

A. Total size of the enlarged Security Council

(1) The size of the reformed Security Council should enable the inclusion of both new permanent and new non-permanent members, both from developed and developing countries. [oral proposal at May 2000 session of OEWG; amended at July 2000 session of OEWG]

(2) The size of the reformed Security Council should only include new non-permanent members based on the principle of sovereign equality of States and equitable geographical distribution. [oral proposal at July 2000 session of OEWG]

(3) In case of expansion of the Council under any formula, the current ratio of permanent and non-permanent seats should not be altered to the detriment of the non-permanent seats. [written proposal submitted during June 2000 session of OEWG]

(4)

Option I:	20
Option II:	21
Option III:	22
Option IV:	23
Option V:	24
Option VI:	25

Option VII: 26

Option VIII: At least 26 [A/52/47, annex XIX, section I; amended in written proposal submitted during May 2000 session of OEWG]

(5) There should be an increase in the membership of the Security Council by not less than 11 members, based on the principles of equitable geographical distribution and sovereign equality of States. [A/53/47, annex X, para. 3 (d); also in A/52/47, annex XXXI, para. 7; also in A/51/47, annex XI, para. 28]

(6) The membership of the Security Council should be expanded to 26. [A/53/47, annex XIII, appendix, para. 2; also in A/51/47, annex XII, para. 2]

(7) The membership of the Security Council should be expanded to at least 26. [A/52/47, annex XXI, appendix, para. 2]

(8) Increase the membership of the Security Council from 15 to 24. [A/51/47, annex II, para. 1 (a)]

(9) The upper numerical limit for the size of the Security Council should be no greater than 25. [A/51/47, annex III, para. 7]

(10) The size of the reformed Security Council should be from 24 to 26. [A/51/47, annex IX, para. 2]

B. Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation)

(1) Any proposal to establish new permanent members based upon the criteria of "industrialized countries", "developed countries" or "developing countries" should clearly and unequivocally provide a definition for such notions. [written proposal submitted to the Bureau after June 2000 session of OEWG]

(2) There should be no new permanent members. [oral proposal at June 2000 session of OEWG]

(3) There should be one permanent seat for the European Union. [oral proposal at June 2000 session of OEWG]

(4) Enlargement of the Security Council should take place in both permanent and non-permanent membership. New permanent membership should include both industrialized and developing countries. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(5) Enlargement in the permanent and non-permanent categories of membership should be considered together. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(6) Enlargement of the Security Council should take place in both categories, the permanent category and the non-permanent category, in parallel, taking into account candidates both from developing countries and industrialized countries. Five new permanent seats should be distributed according to the following pattern:

– One to the developing States of Africa;

- One to the developing States of Asia;
- One to the developing States of Latin America and the Caribbean;
- Two to industrialized States. [written proposal at May 2000 session of OEWG]

(7) Enlargement of the Security Council should take place in the non-permanent membership only. [oral proposal at May 2000 session of OEWG]

(8) The question of the possible extension of the veto to any new permanent members of the Security Council should be considered at the end of the process of agreeing the reform package. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(9) The enlargement of the Council should include representatives of both industrialized and developing countries. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(10) Africa should be allocated no less than two permanent seats. These seats will be allotted to countries by a decision of the Group of African States itself, in accordance with a system of rotation based on the current established criteria of the Organization of African Unity (OAU) and subsequent elements which might improve those criteria. [A/53/47, annex XIII, para. 2 (a); also in A/51/47, annex XII, para. 2 (a)]

(11) New permanent members should be granted the same prerogatives and powers as the current permanent members. [A/53/47, annex XIII, para. 3 (a); also in A/52/47, annex XX, para. 3; also in A/52/47, annex XXI, para. 4]

(12) Extension of the veto to new permanent members should be considered only in the context of curtailment or limitation of its use by the current permanent members. [A/52/47, annex XX, para. 1]

(13) The veto should not be extended to new permanent members. [A/52/47, annex XX, para. 2]

(14) Candidates for permanent membership should indicate their willingness to become new permanent members of the Security Council without the veto. [A/52/47, annex XX, para. 4]

(15) New permanent members should agree not to exercise their veto until a periodic review of the enlarged Security Council has taken place. [A/52/47, annex XX, para. 5]

(16) Decision on the extension of the veto to the new permanent members should be taken once the new permanent members of the Security Council have been elected. [A/52/47, annex XX, para. 6]

(17) A high-level working group of the General Assembly should be established to consider the extent to which the veto should be extended to new permanent members. During this interim period the new permanent members will not individually exercise the veto and the concurring vote of a determined number of new permanent members (for example four out of five) will be required to arrive at a Security Council decision on matters which are not procedural and taken under Chapter VII of the Charter. [A/52/47, annex XX, para. 7]

(18) In the case of an increase in the permanent membership of the Security Council, Asia should be allocated two permanent seats. These two seats will be allotted to countries by a decision of the Group of Asian States itself, in accordance with a system of rotation, the modalities for which will be discussed in the context of a working group to be established for that purpose. [A/52/47, annex XXI, para. 3]

(19) A high-level working group shall consider the extent to which the veto right is extended to new permanent members. [A/52/47, annex XXII, para. 3]

(20) During an interim period, the new permanent members will not individually exercise the veto right. During that period, the concurring vote of at least four out of five new permanent members will be required to arrive at a Security Council decision on matters which are not procedural and are taken under Chapter VII of the Charter. [A/52/47, annex XXII, paras. 4 and 5]

(21) Five new permanent members of the Security Council should be elected according to the following patterns:

(i) One from the developing States of Africa;

(ii) One from the developing States of Asia;

(iii) One from the developing States of Latin America and the Caribbean;

(iv) Two from industrialized States. [A/51/47, annex II, para. 1 (b)]

(22) Enlargement in the permanent members of the Council must include countries from the underrepresented regions of Africa, Asia, Latin America and Caribbean. Germany and Japan are already perceived by many as candidates for permanent seats. [A/51/47, annex III, para. 8]

(23) In the event of an increase in the number of permanent Security Council seats, a permanent seat with full privileges will be allocated to the Group of Arab States. This seat would rotate among the Arab States in accordance with the usual practice in the League of Arab States. [A/51/47, annex VIII, appendix, section A, para. 4 (b)]

(24) The number of permanent members should be increased by five or six. In the event that it is decided to increase the number of permanent members by five, the permanent seats will be distributed according to the following pattern:

(i) One to the developing States of Africa (note: OAU has made a case for two permanent seats for African States);

(ii) One to the developing States of Asia;

(iii) One to the developing States of Latin America and the Caribbean;

(iv) Two to industrialized States. [A/51/47, annex IX, section II, para. 3]

(25) Given that permanent regional representation was discussed, it is not precluded that a region may determine its own selection taking into account regional considerations prior to the election by the General Assembly. [A/51/47, annex IX, section II, para. 4]

(26) Permanent seats should be granted to Germany and Japan. The enlargement of the Council should also ensure a wider representation for the countries of Asia, Africa and Latin America and the Caribbean. [A/51/47, annex X, section II, para. 9]

(27) The establishment of new permanent seats would extend a situation of eternal privilege to other countries. Such a development would be anachronistic and incompatible with the principle of sovereign equality of States, which lies at the foundation of the United Nations. [A more equitable solution would be to increase non-permanent seats only, preferably to rotate on a regional basis. [A/51/47, annex XIII, section I; amended orally during June 2000 session of OEWG]]

(28) Africa should be allocated no fewer than two permanent seats with all the privileges attached thereto, as long as the institution of permanent membership remains in force. [A/50/47, annex IV, para. 34]

(29) There should be an increase from five to 10 in the number of permanent members who would have the same powers and responsibilities as the current members. The five additional members could be designated, preferably on a regional basis, by the General Assembly, by a two-thirds majority vote and taking into account equitable geographical distribution and their capacity to contribute to peacekeeping operations. [A/50/47, annex XI]

(30) If the membership of the Security Council is increased to 20, two members could be permanent and three could be non-permanent with a longer term. If the membership is increased to 22, three members could be permanent and four could be non-permanent with a longer term, and so forth. [A/50/47, annex XI]

(31) A new subcategory of financial permanent membership should be introduced whereby individual States would qualify for membership on the basis of substantial contributions to the Organization's budget. [A/50/47, annex XV, section IV.C.1, para. 23]

(32) Two alternative models are proposed. In the first model: (a) the permanent five would be unchanged; (b) there would be one additional permanent member assigned to each of the five United Nations regional groups except Western European and Other; and (c) there would be financial permanent members, which would be likely to be two in number (not including the United States of America, already included under (a)). In the second model: (d) on the basis of democracy and equality, each regional group would return two permanent members: the existing permanent five would be deemed to be included in the quota of their respective groups except in the case of the United States; (e) there would be three financial permanent members, including the United States. [A/50/47, annex XV, section V.A, paras. 28 and 29]

(33) In political and economic context, Asia, Africa and Latin America and the Caribbean are regions of developing countries. These three regions require permanent representation. It is also conceivable that the industrialized countries are an identifiable region. Japan and Germany are in that group. It is proposed that each developing region be allocated two seats. Each seat will clearly represent countries of the region and not purely that of a country. A regional mechanism will decide on how the seats are to be allocated. [A/50/47, annex XVI, section II, paras. 7-9]

(34) The permanent membership should be increased by five new seats. Three new permanent seats should be for developing countries of Africa, Asia and Latin America. Two new permanent seats should be for industrialized countries. [A/50/47, annex XVII, para. 8]

(35) Two additional seats for permanent members of the Security Council should be created to include Germany and Japan. [A/50/47, annex XVIII, section V.A, paras. 7 and 8]

C. Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership)

(1) No new individual permanent seats such as those established in 1945 should be created because they are contrary to the principle of sovereign equality of States. For the time being, the increase should take place only in the non-permanent category or by means of regional rotation modalities as agreed by consensus by the respective regional groups. [written proposal submitted to the Bureau after the June 2000 session of OEWG]

(2) Enlargement of the Security Council should take place in both categories, the permanent category and the non-permanent category, in parallel, taking into account candidates both from developing countries and industrialized countries. Four new non-permanent seats should be distributed according to the following pattern:

- One to States of Africa;
- One to States of Asia;
- One to States of Latin America and the Caribbean;
- One to States of Eastern Europe. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(3) Enlargement in the permanent and non-permanent categories of membership should be considered together. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(4) Enlargement of the Security Council should take place in the non-permanent membership only. [oral proposal at May 2000 session of OEWG]

(5) When additional non-permanent seats are distributed, no national or regional group should be discriminated against. [oral proposal at May 2000 session of OEWG]

(6) Every regional group should be allocated at least one additional non-permanent seat in the reformed Security Council. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(7) If there is no agreement on other categories of membership, expansion should take place, for the time being, only in the non-permanent category. [A/53/47, annex X, para. 5; also in A/52/47, annex XXXI, para. 10; also in A/51/47, annex XI, para. 29]

(8) Africa should be allocated five non-permanent seats in the expanded Security Council. [A/53/47, annex XIII, para. 2 (b); also in A/51/47, annex XII, para. 2 (b)]

(9) Any increase in the non-permanent membership of the Security Council should ensure an enhanced representation of the Group of Eastern European States by the

allocation to the said Group of one additional non-permanent seat in the enlarged Security Council. [A/52/47, annex XXIII]

(10) Four new non-permanent members of the Security Council should be elected according to the following pattern:

(i) One from States of Africa;

(ii) One from States of Asia;

(iii) One from States of Eastern Europe;

(iv) One from States of Latin America and the Caribbean. [A/51/47, annex II]

(11) In accordance with the principle of equitable geographical distribution, the Group of Arab States requests the allocation to the Group of at least two non-permanent seats on the Security Council. [A/51/47, annex VIII, appendix, section A, para. 4.a]

(12) The number of non-permanent members should be increased by four, five or six. In the event that it is decided to increase the number of non-permanent members by four, the seats will be distributed according to the following pattern:

(a) One to the States of Africa (note: in case the addition of five seats being the decision, the additional seat should be allocated to the States of Africa);

(b) One to the States of Asia;

(c) One to the States of Eastern Europe;

(d) One to States of Latin America and the Caribbean. [A/51/47, annex IX, part A, section II, para. 5]

(13) Ten new non-permanent seats should be added. For each of these seats, three States would be rotating, making a total of 30 States. Consequently, each of them would remain two years on and four consecutive years off the Council. These 30 States, which therefore would rotate more frequently and regularly than others, should be selected on the basis of objective criteria to be determined by the General Assembly. [A/51/47, annex XIII, section 2]

(14) Some States which have strength and influence in international relations, and the capacity and will to make a significant contribution to the fulfilment of the Organization's purposes, should be allowed to participate more frequently as members of the Council. [A/50/47, annex VIII, para. 1]

(15) The number of non-permanent members should be increased from 10 to 15. The additional five non-permanent members could have a long term (between 6 and 12 years, for example) and be chosen by the General Assembly by a simple majority. Retiring members would be eligible for immediate re-election. The other 10 non-permanent members would continue to be elected by the General Assembly for a period of two years. They would not be eligible for immediate re-election at the end of their terms. [A/50/47, annex XI, para. 1]

(16) There could be nine to 11 non-permanent members. [A/50/47, annex XV, section V.B, para. 31]

(17) With eight new permanent members and five existing, and 10 existing non-permanent members, the membership would alone total 23; and there should be

seven new non-permanent members making a total of 30 members. [A/50/47, annex XVI, section IV, para. 18]

(18) While care should be taken not to impair the efficiency of the Security Council, an enlargement of the Council by five new permanent seats as suggested should be complemented by an enlargement with a number of new non-permanent seats in order to maintain a reasonable balance between the number of permanent and non-permanent seats on the Council and to enhance further the representativity and the equitable geographical distribution of its membership. [A/50/47, annex XVII, para. 12]

(19) If two additional seats for permanent members of the Security Council are created, the number of non-permanent members should be increased by eight, which would make a total of 18 non-permanent members. The additional seats for non-permanent members could be distributed as follows:

(a) Four (4) seats for States of Asia and Africa;

(b) Two (2) seats for the regional group of Latin American and Caribbean countries;

(c) One (1) seat for the regional group of Western European and other countries;

(d) One (1) seat for the regional group of East European countries.

The creation of eight non-permanent seats, each of which would rotate among three or four States (for a total of 24 to 32 States), would enable countries that make a substantial contribution to United Nations peacekeeping activities and the financing of the Organization, and countries that represent the majority of the world's population, to assume greater responsibility in the implementation of the provisions of the Charter. [A/50/47, annex XVIII, paras. 8 and 9]

III. Periodic review of the enlarged Security Council

(1) The issue of periodic review is premature until the matter of reforming the Security Council is resolved. [oral proposal at June 2000 session of OEWG]

(2) A review process would not be necessary as long as any new permanent members are not added to the Security Council. [oral proposal at June 2000 session of OEWG]

(3) The issues within the mandate of the Open-ended Working Group should be subject to periodic review, which should take place every 10 to 15 years. [written proposal submitted to the Bureau during May 2000 session of OEWG]

(4) A periodic review of the structure and functioning of the Security Council is necessary in order to enable it to respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security. [A/53/47, annex XIII, para. 5]

(5) In the event that any rotational arrangements were adopted, the lists of rotating countries could be reviewed during the periodic review process. The assessment should depend essentially on the degree to which a country had managed to honour

its obligations and met the increased responsibilities stemming from the rotational agreement. [A/52/47, annex XXV, para. 2; also in annex XXVI, para. 2]

(6) The first review should take place 10 to 20 years after the conclusion of the present reform exercise. There should be subsequent reviews thereafter every 10 to 12 or 15 to 20 years. One solution would be to undertake the periodic review to coincide with the expiration of the tenure of members of those regions opting for regional rotational arrangements. [A/52/47, annex XXV, para. 4; also in annex XXVI, para. 4]

(7) The periodic review should automatically be included in the agenda of the General Assembly. The review process should be concluded within two years. [A/52/47, annex XXV, para. 5; also in annex XXVI, para. 5]

(8) The scope of the review process should be comprehensive in order to address all aspects of reform, including the status of new permanent members as well as the question of the veto and accountability. The review process should also take into account the question of under-representation as well as over-representation of any region on the Council in both permanent and non-permanent categories. [A/52/47, annex XXV, para. 6; also in annex XXVI, para. 6]

(9) The periodic review should not cover the rights and obligations held by the original five permanent members. [A/52/47, annex XXV, para. 7; also in annex XXVI, para. 8]

(10) In order to facilitate the solution of the present reform process, the veto should be discussed only during the periodic review. In this respect two aspects have been mentioned. Firstly, if the veto were to be extended to the new permanent members, they would agree not to exercise their right until the review took place. Secondly, the time leading up to the first review could be used to prepare for a more consolidated arrangement, which should include recommendations on the veto rights of the original permanent members and that of the new permanent members with a view to bridging the gap between them. [A/52/47, annex XXV, para. 8; also in annex XXVI, para. 9]

(11) The review process should not be subject to the use of the veto by the original permanent members and/or the new permanent members. [A/52/47, annex XXV, para. 9; also in annex XXVI, para. 10]

(12) A review process would be unnecessary. [A/52/47, annex XXVI, para. 3]

(13) In order to retain their status, countries having been elected as new permanent members of the Council would either:

(a) Need to secure, at the review process, the support of at least a two-thirds majority of the membership of the United Nations;

(b) Continue as permanent members unless otherwise decided by a two-thirds majority of the membership of the United Nations. [A/52/47, annex XXVI, para. 7]

(14) The threshold level for decision on the extension of new permanent members should be upgraded to as near as possible to the level applied during initial elections, namely, at least the two-thirds majority of all members of the United Nations. This upgrade will be all the more necessary if periodic review is genuinely intended as a mechanism to ameliorate some of the shortcomings inherent in the

increase of permanent membership by providing the general membership with a reasonable opportunity to replace some or all new permanent members. The upgraded level of majority required for the extension of new permanent members during the review period can be incorporated into the new provisions of the Charter to be created with respect to the periodic review of the enlarged Security Council. [A/52/47, annex XXVII]

Annex XII

Conference room paper submitted by the Bureau of the Working Group, entitled "Working methods of the Security Council and transparency of its work"*

I. Introduction

In this second revised version of this year's conference room paper (A/AC.247/2000/CRP.3; see annex V (for the first revised version, see annex IX)) on the working methods of the Security Council and transparency of its work, paragraphs and subparagraphs which have been provisionally agreed in the Working Group are marked with **bold typeface.** For paragraphs where there is not yet provisional agreement, amendments and suggestions presented in the discussion in the Working Group, as recorded by the Bureau, have also been listed; there were also proposals to delete some of these paragraphs. Further proposals to that effect may be made in the future.

II. Relationship between the Security Council, the General Assembly and the general membership of the United Nations

A. Meetings of the Security Council and informal consultations of the whole**

1. Suggested improvements to the present practice:

(a) The Security Council should, as a general rule, meet in a public format open to all Member States of the United Nations;

(b) Exceptionally, the Security Council may decide to meet in private;

(c) When special circumstances so require, the members of the Security Council may meet for informal consultations of the whole;

Suggested amendments to subparagraph (c)

(1) Revise the subparagraph to read: "When the members of the Security Council agree that special circumstances so require, they may meet for informal consultations of the whole".

(2) Revise the subparagraph to read: "When the Security Council agrees that special circumstances so require, [its members]/[it] may meet for informal consultations of the whole".

(3) Revise the subparagraph to read: "When members of the Security Council determine that circumstances so require, they may meet for informal consultations of the whole".

---

* Previously issued as document A/AC.247/2000/CRP.3/Rev.2.

** This title to be reviewed when we reach the stage of institutionalization.

(4) Delete the word "special".

(5) Revise the subparagraph to read: "Members of the Security Council may meet for informal consultations of the whole for the exclusive purpose of drafting its decisions or hearing briefings on exceptionally delicate situations".

(6) Delete the entire subparagraph.

(d) The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration;

(e) The Security Council should, whenever appropriate, meet at the ministerial level;

(f) When the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of United Nations bodies, agencies or field missions report to the Security Council, they should do so, as a general rule, in a public format.

(g) Exceptionally, the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of the United Nations bodies, agencies or field missions may report to the Security Council in private.

Suggested amendment to subparagraph (g)

Delete the word "Exceptionally".

2. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Participation of non-members in meetings of the Security Council and informal consultations of the whole*

The active participation of non-members in the substantive discussions of the Security Council is an important step towards making the work of the Council more open, effective, transparent and representative.

3. Suggested improvements to the present practice:

(a) The Security Council should more frequently hear the views of non-members of the Council, in public meetings at the beginning of its consideration of a substantive matter;

Suggested amendments to subparagraph (a)

(1) Delete the entire subparagraph.

(2) Insert the words "in particular" after the words "in public meetings".

(3) Insert the word "including" before the words "in public meetings".

---

* This title to be reviewed when we reach the stage of institutionalization.

(4) Insert the words "in a timely fashion" in place of the words "at the beginning of".

(5) Insert the words "in particular at an early stage of its consideration" in place of the words "at the beginning of its consideration of a substantive matter".

(6) Insert the words "in particular at an early stage in its consideration of a subject" in place of the words "at the beginning of its consideration of a substantive matter".

(7) Merge the subparagraph with subparagraph 1 (d) in section A.

(8) Insert the words "at all stages" in place of the words "at the beginning".

(9) Insert the word "including" before the words "in public meetings", and replace the words "the beginning" with the word "during".

(10) Revise the subparagraph so that it reads: "The Security Council should hear the views of non-members of the Council at all stages, in particular at an early stage of its consideration of a substantive matter."

(b) When a non-member of the Security Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet the non-member in question and inform the Council about the démarche;

(c) The Security Council should fully implement Articles 31 and 32 of the Charter and rules 37 and 38 as well as all other relevant Provisional Rules of Procedure;

(d) Non-members of the Security Council whose interests are specially affected and who are willing to participate in a private meeting should state this special interest in a letter to the President of the Security Council. This letter should include a specification and substantiation of the interest referred to; furthermore, it should name the subjects intended to be raised in the meeting. The President should distribute the letter to all members of the Security Council.

Suggested amendment to subparagraph (d)

Delete the entire subparagraph.

(e) Speaking time in private meetings should be limited to a maximum of five minutes and should focus on the subject under consideration.

Suggested amendment to subparagraph (e)

Delete the entire subparagraph.

Suggested amendments to subparagraphs (d) and (e)

(1) Replace the two subparagraphs with the following single subparagraph: "Non-members of the Security Council whose interests are specially affected and who are willing to participate in a private meeting should indicate in writing to the President of the Security Council their desire to

do so. The President of the Council should accordingly respond in writing to the requests received from non-members in this regard."

(2) In the suggested amendment (1) above, in the final sentence, insert the words "may if he/she deems it necessary" in place of the words "should accordingly".

(g) The Security Council should, on a timely and regular basis, conduct consultations with countries affected by the decisions of the Council;

Suggested amendments to subparagraph (f)

(1) Insert the words "The President of the Security Council" in place of the words "The Security Council".

(2) Insert the words "when appropriate through its President" after the words "Security Council".

(3) Delete the entire subparagraph.

(g) The members of the Security Council should, as appropriate, invite non-members of the Council to participate in their discussions during informal consultations of the whole on matters directly affecting such members, under similar arrangements as stipulated in Articles 31 and 32 of the Charter;

Suggested amendments to subparagraph (g)

(1) Delete the entire subparagraph.

(2) Delete the words "as appropriate".

(3) Revise the subparagraph to read: "The non-members of the Security Council should be invited to participate in Council discussions during informal consultations of the whole on matters directly affecting them, under similar arrangements as stipulated in Articles 31 and 32 of the Charter".

4. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

C. Programme of work of the Security Council and agenda of its meetings and informal consultations of the whole*

5. Suggested improvements to the present practice:

(a) The Security Council's tentative forecast of its programme of work for the coming month should be made available to all Member States as soon as it is available to members of the Council;

(b) The calendar setting out the Security Council's provisional monthly schedule of work, and updated versions thereof, should be made available

---

* This title to be reviewed when we reach the stage of institutionalization.

to all Member States as soon as possible after their consideration by the members of the Council;

(c) The Council should consider its monthly programme of work at a public meeting;

Suggested amendments to subparagraph (c)

(1) Insert the words "the calendar setting out the Security Council's provisional monthly schedule of work" in place of the words "its monthly programme of work".

(2) Insert the words "at public meetings" in place of the words "at a public meeting".

(d) The provisional agenda of the Security Council, with indications as to actions expected of the Council (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under "other matters", whenever they are known in advance, should be included in the *Journal of the United Nations*.

6. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

D. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and informal consultations of the whole*

7. Suggested improvements to the present practice:

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. The briefings should take place immediately after Council meetings or informal consultations of the whole. Interpretation should be provided for those briefings. Briefings for non-members should be closed and held no later than briefings for the media. The President of the Council will decide whether written records of such briefings, including the elements of statements made by him/her to the press, should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the permanent missions to the United Nations through electronic mail;

Suggested amendments to subparagraph (a)

(1) In the second sentence, insert the word "private" between the word "Council" and the word "meetings".

(2) In the fourth sentence, insert the words "in parallel with" in place of the words "no later than".

---

* This title to be reviewed when we reach the stage of institutionalization.

(3) In the fourth sentence, insert the words "statements to the media" in place of the words "briefings for the media".

(4) In the final sentence, insert the words "made available" in place of the word "transmitted".

(5) In the second sentence, insert the words "be detailed and" after the words "briefings should".

(6) Delete the last two sentences of the subparagraph.

(b) A short factual summary of the Council's informal consultations of the whole, prepared by the Secretariat in consultation with the President, should be circulated to all Member States no later than the day after. The summaries should also be transmitted to permanent missions through electronic mail;

Suggested amendments to subparagraph (b)

(1) Delete the entire subparagraph.

(2) Insert the words "a short summary of major points of discussion" in place of the words "a short factual summary".

(3) Redraft the subparagraph to take into consideration the need for confidentiality.

(c) Draft resolutions and draft presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items, should be made available by the President of the Security Council also to non-members of the Council as soon as such documents are tabled; or earlier, if so authorized by the author of the draft;

(d) The President, in briefing non-members of the Council, should provide information about the main elements and any new elements of draft resolutions, presidential statements and other documents under consideration by the Council.

8. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

E. Meetings with troop-contributing countries and other countries contributing to a peacekeeping operation

9. Suggested improvements to the present practice:

(a) While authorizing force, the Security Council should adhere to the provisions of Articles 43 and 44 of the Charter of the United Nations;

Suggested amendments to subparagraph (a)

(1) Delete the entire subparagraph.

(2) Add this sentence at the end of subparagraph (b) below.

Note: The placement of this subparagraph will be considered later.

(b) **Meetings between members of the Security Council and countries which contribute troops and civilian police, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of a peacekeeping operation, including the extension and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;**

(c) **Other countries contributing to a peacekeeping operation should be invited, as appropriate, to these meetings;**

(d) Countries directly concerned and/or affected by a peacekeeping operation, including host countries, should also, in specific circumstances and where appropriate, be invited to these meetings;

Suggested amendments to subparagraph (d)

(1) Insert the word "as" in place of the words "in specific circumstances and where".

(2) Delete the words "including host countries".

(e) **Meetings with troop-contributing countries and other countries contributing to a peacekeeping operation should be convened and chaired by the President of the Security Council, supported by the Secretariat;**

(f) Upon the request of a troop-contributing country, the President of the Council should promptly convene meetings with troop-contributing countries;

Suggested amendments to subparagraph (f)

(1) Insert after the word "country" the words "in case of emergencies".

(2) Combine this subparagraph with subparagraph (b).

(3) Insert the words "to a peacekeeping operation" after the word "country", and also after the word "countries".

(g) **The President of the Security Council should make the necessary arrangements to ensure that the meetings with troop-contributing countries and other countries contributing to a peacekeeping operation are held at a time that allows those countries to adequately consider the relevant reports of the Secretary-General. The Secretariat should make these reports available at an appropriate time before such meetings;**

(h) **Meetings should be announced in the *Journal of the United Nations*;**

(i) **Immediately following meetings between Security Council members, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the contents of such meetings. Such briefings should be announced in the *Journal of the United Nations*;**

(j) **A written summary of meetings with troop-contributing countries, prepared by the Secretariat in consultation with the President of the**

Security Council, which does not compromise the confidentiality of the work of those meetings, should be made available promptly to all Member States. Written copies of the Secretariat's briefings at those meetings should, whenever possible, be made available to troop-contributing countries upon request;

(k) The President of the Security Council should report to the Council the views expressed by participants at troop-contributors' meetings. The Council should fully take into account these views in its deliberations.

(l) The Secretariat should make available, to all Member States, weekly reports on field operations, which are available to members of the Security Council;

10. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

F. Reports of the Security Council to the General Assembly

11. Suggested improvements to the present practice:

(a) The annual report of the Security Council to the General Assembly, submitted pursuant to Article 24 (3) of the Charter, should give a detailed and comprehensive account of the Council's work and should be made available to the General Assembly no later than 30 August;

Suggested amendments to subparagraph (a)

(1) Insert the word "factual" in place of the words "detailed and comprehensive".

(2) Insert the word "factual" between the word "comprehensive" and the word "account".

(3) Insert the word ", objective" between the word "detailed" and the words "and comprehensive".

(4) Insert the words "substantive, analytical and material" in place of the words "detailed and comprehensive".

(5) Insert the words "substantive and analytical" in place of the words "detailed and comprehensive".

(6) Insert the words "if possible" after the words "made available to the General Assembly".

(7) Insert the words "before the beginning of the general debate" in place of the words "no later than 30 August".

(b) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council, including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments, prepared under the exclusive responsibility of the President following consultations with Council members, should be balanced, comprehensive and objective and distributed as official documents to all Member States immediately after their issuance by the outgoing President. They should also be appended to the annual report of the Council to the General Assembly;

Suggested amendments to subparagraph (b)

(1) In the first sentence, delete the words "including, as appropriate, informal consultations of the whole, held".

(2) Delete in the second sentence the words "balanced, comprehensive and objective and".

(3) The existing practice (set out in document S/1997/451) should be retained.

(4) Insert the following sentence immediately before the last sentence of the subparagraph: "Such assessments should include statements that the President of the Security Council makes to the press on behalf of the members of the Council."

(5) Add in the beginning of the subparagraph the words "As is the present practice".

(c) The annual report of the Security Council should also include information on the informal consultations of the whole;

Suggested amendments to subparagraph (c)

(1) Add the following words at the end of the sentence: "and statements that the President of the Security Council makes to the press on behalf of the members of the Council".

(2) Add the following words at the end of the sentence: "and statements that the President of the Security Council makes to the press with the prior authorization of the Security Council".

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

Suggested amendments to subparagraph (e)

(1) Replace the subparagraph with the following sentence: "The annual report should enable Member States to assess the extent to which relevant General Assembly resolutions have been taken into account by the Council in its decisions."

(2) Delete the entire subparagraph.

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account Assembly resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or other substantive work of the subsidiary organs of the Council, in particular the sanctions committees, in the appendices to the annual report;

Suggested amendments to subparagraph (f)

(1) Delete the entire subparagraph.

(2) Delete subparagraph (f) (i).

(3) Insert a new subparagraph (f) (ii) *bis* to read: "Strengthen further the section in the report on the steps taken by the Council to improve its working methods".

(4) Delete in subparagraph (f) (i) the words "as appropriate".

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 (1) of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

12. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

G. "Arria formula"

13. Suggested improvements to the present practice:

On the initiative of one of its members and in keeping with rule 39 of its provisional rules of procedure, the Security Council could resort, as appropriate, to the Arria formula to hear views and obtain or exchange information with personalities, organizations, institutions, or whomever it considers pertinent, involved in a conflict. At no time will the Security Council receive representatives of Governments of United Nations Member States under this mechanism. The level of representation of the Security Council members should be commensurate with that of those invited.

Suggested amendments:

(1) In the first sentence, delete the words "and in keeping with rule 39 of its provisional rules of procedure".

(2) In the first sentence, insert the words "members of the" before the words "Security Council".

(3) In the first sentence, insert the words "based on the agreement of its members" after the words "Security Council".

(4) In the first sentence, insert the words "in an informal way" after the words "exchange information".

(5) In the first sentence, delete the word "personalities".

(6) In the first sentence, insert the words "any persons whom" in place of the words "personalities, organizations, institutions or whomever".

(7) In the first sentence, insert the words "in accordance with Article 65 of the Charter and as provided for by the Economic and Social Council" after the words "personalities, organizations, institutions".

(8) In the first sentence, insert the words "whose contributions" before the words "it considers pertinent".

(9) At the end of the first sentence, delete the words "involved in a conflict".

(10) At the end of the first sentence, insert the words "to reach a better understanding of the situation under consideration" in place of the words "involved in a conflict".

(11) At the end of the first sentence, insert the words "because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration" in place of the words "involved in a conflict".

(12) At the end of the first sentence, insert the words "issues before the Council" in place of the words "involved in a conflict".

(13) Replace the first sentence with the following two sentences: "The Security Council should fully implement rule 39 of its provisional rules of procedure. Bearing in mind this rule, the Security Council may agree to resort, as appropriate, to the Arria formula as an informal way to hear views and obtain or exchange information with personalities, organizations, institutions, or whomever it considers pertinent, involved in a conflict".

(14) Delete the second sentence.

(15) Delete the third sentence.

(16) Delete the entire section G.

14. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

15. Suggested improvements to the present practice:

Requests for meetings of the Security Council in accordance with Articles 35 and 99 of the Charter should be immediately circulated as a document of the Council, and the requested meeting should be promptly convened.

16. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

I. Consultations pursuant to Article 50 of the Charter

17. Suggested improvements to the present practice:

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned.

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter which would become immediately operational upon the receipt of such request.

Suggested amendment to subparagraph (b)

Delete the entire subparagraph.

(c) The Security Council should take fully into account those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations", that are relevant to the application of Article 50 of the Charter and relate to the working methods of the Security Council and the transparency of its work.

18. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

J. Mechanism to alert non-members of the Security Council to unscheduled or weekend meetings

19. Suggested improvements to the present practice:

The Secretariat should continue to alert non-members of the Security Council of unscheduled emergency meetings of the Council, including information as to their subject matter and purpose, during nights, weekends and holidays (e.g., a voice recording, a web site, an electronic message and a facsimile transmission to all Member States).

20. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

K. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

21. Suggested improvements to the present practice:

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which Members of the Bureau of the General Assembly could be invited, when the need arises. In the event of an international crisis or any other urgent development, such consultations should be held more frequently.

(b) The President of the Security Council is requested to raise with the President of the General Assembly, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section F.11(e) above. The President of the General Assembly should report to the Assembly on the steps taken by the Council in this regard.

Suggested amendment to subparagraph (b)

Delete the entire subparagraph.

(c) The President of the Security Council should brief the Chairmen of the regional groups on the programme of work of the Council at the beginning of the month and should later continue to inform them as appropriate and as need arises.

22. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

L. Consultations with funds, programmes and agencies

23. Suggested improvements to the current practice:

In cases when the Security Council is involved in mandating humanitarian and operational assistance, the President of the Council should consult the principal officers of the organizations concerned.

Suggested amendments:

(1) Revise the subparagraph to read: "The conduct of operational and humanitarian activities must conform to the guiding principles of humanitarian assistance and the principles of United Nations development assistance. In cases when, as a transitory and exceptional measure, the Security Council is involved in overseeing and mandating humanitarian and operational assistance, the President of the Council should consult the principal officers of the organizations concerned before the Council acts. The decisions of the respective executive board and of the General Assembly shall be final in all aspects of such programmes".

(2) Revise the subparagraph to read: "In case when, as a measure of exception, the Security Council mandates an operation of overseeing or protecting the delivery of humanitarian assistance, the Council should conduct proper consultations with the principal officers of the United Nations agencies or funds or programmes concerned prior to the issuance of the mandate or during the renewal of this mandate."

24. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

M. Records and archives

25. Suggested improvements to the present practice:

(a) The Security Council should review its procedures and rules for the creation and maintenance of and access to the records and archives of its private and public meetings and consultations.

Suggested amendments to subparagraph (a)

(1) Delete the words "and consultations".

(2) Insert the words "informal consultations of the whole" in place of the word "consultations".

(3) Insert the words "of the whole" at the end of the sentence.

(b) Procedures for promptly fulfilling requests for these records and archives by the accredited representatives of any member of the Security Council should be established.

Suggested amendments to subparagraph (b)

(1) Insert the word "considering" in place of the word "fulfilling".

(2) Insert the words "access to" before the words "these records".

(3) Insert the word "non-members" in place of the words "any member".

(4) Insert the words "United Nations" in place of the words "Security Council".

(5) Insert a new subparagraph (b) *bis* to read: "Members of the Security Council shall at all times have the right to consult the records of the private meetings of the Council".

(c) In its annual report to the General Assembly, the Security Council should certify that the maintenance of its records and archives meet the established international standards for the management of records and archives.

26. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

III. Subsidiary organs of the Security Council

A. Sanctions committees

27. Suggested improvements to the present practice:

(a) Summary records of the meetings of the sanctions committees, which do not compromise the confidentiality of the work of the committees, should be made available promptly to non-members of the Security Council;

(b) The sanctions committees should ensure that the administrative procedure of processing applications for exemptions from sanctions regimes is as efficient as possible in order to avoid delays in clearing applications and thus to minimize unintended adverse side effects of sanctions;

(c) The countries specially affected by sanctions regimes, including target countries, should be given reasonable access to sanctions committees to explain their situations directly related to the implementation of sanctions.

Suggested amendments to subparagraph (c)

(1) Delete the word "reasonable".

(2) Insert the word "better" in place of the word "reasonable".

(3) Revise the subparagraph to read: "The target or affected countries, as well as concerned organizations, should be better able to exercise the right of explaining or presenting their points of view to the sanctions committees."

(4) In suggested amendment (3) above, delete the word "better".

(d) The Security Council should take fully into account those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Questions of sanctions imposed by the United Nations", that are relevant to the procedures and working methods of the sanctions committees;

(e) The agenda of the meetings of the sanctions committees should be announced in the *Journal of the United Nations* in the same way as the agenda of the Security Council;

(f) Chairmen of sanctions committees should, as appropriate, after each meeting continue to give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should continue to be announced in the *Journal of the United Nations*.

(g) Public information on the work of the sanctions committees should be made available on the Internet and through other means of communication.

28. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Other subsidiary organs

29. Suggested improvements to the present practice:

(a) Meetings of subsidiary organs of the Council established pursuant to Article 29 of the Charter should be more transparent and their proceedings, when appropriate, open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations*, and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members.

Suggested amendments to subparagraph (a)

(1) Delete the word "more" in the first sentence.

(2) In the first sentence, insert the words "and working groups of the Security Council" after the words "the Charter".

(3) Delete the entire subparagraph.

(4) In the first sentence, insert the word "other" after the words "Meetings of".

(5) Move subparagraph (a) to the very beginning of Chapter III.

(b) Chairmen of other subsidiary organs of the Security Council should, as appropriate after each meeting, give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should be announced in the *Journal of the United Nations*.

Suggested amendment to subparagraph (b)

In the first line, delete the word "other".

Note: The question of a reference to Security Council working groups in this subparagraph may require further consideration.

30. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

IV. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

31. **Suggested improvements to the present practice:**

In accordance with relevant provisions of the Charter, the Security Council should consider requesting more often the International Court of Justice to give an advisory opinion on any legal question.

Suggested amendments

(1) Insert the words "request more often" in place of the words "consider requesting more often".

(2) Insert the words "request as appropriate" in place of the words "consider requesting more often".

32. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Economic and Social Council

33. **Suggested improvements to the present practice:**

In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.

34. **Institutionalization:**

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

V. Relationship between the Security Council and regional arrangements and agencies

35. Suggested improvements to the present practice:

(a) Efforts to enhance regional capacities should not relieve the Security Council of its obligations under the Charter of the United Nations, which confers on it the primary responsibility for the maintenance of international peace and security;

Suggested amendments to subparagraph (a)

(1) Insert the words "peacekeeping capacities of regional arrangements or agencies" in place of "regional capacities".

(2) Delete the entire subparagraph.

(b) In its relations with regional arrangements and agencies, the Security Council should take fully into account the relevant provisions of General Assembly resolution 49/57 of 9 December 1994 and annex I to General Assembly resolution 51/242 of 15 September 1997, entitled "Coordination", bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security;

(c) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned.

Suggested amendment to subparagraph (c)

(1) Insert the words "Close consultation should be maintained between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

(2) Insert the words "Consultation should be strengthened between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted".

(3) Revise the subparagraph to read: "The Security Council, in accordance with the provisions of Chapter VIII of the Charter, should enhance its cooperation and consultations on matters affecting the maintenance of international peace and security, with the relevant regional arrangements and agencies."

(4) Delete the entire subparagraph.

Suggested amendments to subparagraphs (a)-(c)

(1) Delete the entire section V.

(2) Retain subparagraphs (a) and (c) if section V is to be retained.

36. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

VI. Rules of procedure and institutionalization of the measures taken by the Security Council to enhance its working methods and transparency

37. Suggested improvements to the present practice:

The Security Council should finalize its provisional rules of procedure. Towards this end, the following steps should be taken by the Council:

(i) The arrangements regarding various measures that the Council has already adopted to enhance its methods and transparency, as well as the new measures discussed above, should be institutionalized as proposed by this Working Group in sections II-V of the present report;

(ii) After institutionalization of the measures described in subparagraph (i) above, there should be an overall review of the provisional rules of procedure, after which the word "provisional" should be deleted.

Annex XIII

Conference room paper submitted by the Bureau of the Working Group, entitled "Suggested general observations and recommendations for inclusion in the 2000 report of the Working Group"*

Chapter III
General observations

1. The participation of delegations in the Working Group discussions was in general of a high and substantive nature, though many of the issues under consideration had been substantially discussed in the Working Group during previous years. An engaged and constructive climate prevailed during all of the Working Group's sessions. A fair balance was maintained regarding the amount of time devoted to the respective items in the programme of work.

2. All aspects of the main issues of "Cluster I", as well as the implications of different ideas for an enlarged Security Council, were examined in great detail. Proposals regarding "Cluster I", presented in the Working Group since its formation, were listed in a single conference room paper (A/AC.247/2000/CRP.2/Rev.3; see annex XI), which deals with decision-making in the Security Council, including the veto; expansion of the Security Council; and periodic review of the enlarged Security Council.

3. In the consideration of the issues under "Cluster II", dealing with the working methods of the Security Council, provisional agreement could be recorded on a large number of issues, as reflected in conference room paper (A/AC.247/2000/CRP.3/Rev.2; see annex XII). One of the initial general and fundamental points on which there was provisional agreement was that the Security Council should, as a general rule, meet in a public format open to all Member States of the United Nations. The wording of other provisions will still need further discussion.

4. The discussion in the Working Group has shown that a consensus prevails regarding the need to reform the Security Council and that such a reform should be carried out through an enlargement of its membership and through improved working methods of the Council.

5. In relation to most issues under "Cluster I", substantial differences of view still remain, and progress towards a general agreement on the main issues has been very slow. Strong differences of opinion continue to exist with regard to, *inter alia*, the category or categories of the new members in an enlarged Security Council, the size of such an enlarged Council, as well as the scope of the veto. The Open-ended Working Group has, after seven years, not yet been able to provide for compromises on these issues.

6. However, the Working Group wishes to list the following elements that may prove useful when this item is again addressed in the future:

---

* Previously issued as document A/AC.247/2000/CRP.6.

(a) The Open-ended Working Group continues to be the appropriate forum in which to pursue the efforts aimed at reforming the Security Council on the basis of General Assembly resolution 48/26 of 3 December 1993. Given the slow progress so far, particularly on "Cluster I" issues, it may be useful to review the working methods of the Open-ended Working Group;

(b) A growing sense of urgency regarding the need to reform the Security Council has been recorded, with a view to, *inter alia*, improving the capacity of the United Nations to respond adequately to current and future demands in the field of maintaining international peace and security;

(c) In order to strengthen the role and function of the Security Council, one way is to ensure a more equitable representation of the membership of the United Nations in that organ, in accordance with the sovereign equality of States and other relevant provisions of the Charter, and to make its work more transparent;

(d) A more equitable representation in the Security Council may be obtained by increasing the number of its members, taking into account the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations;

(e) There was a substantial body of support for expansion of the Security Council with both non-permanent and permanent members. However, there was also strong opposition with respect to the addition of new permanent members. Substantial differences of view remain on this issue;

(f) In the discussion of the size of an enlarged Security Council, there has been some increased flexibility, but there is still a span in views between 20 to 26 members;

(g) In the context of the discussions of the Working Group, the question of the enlargement of the Security Council implies the consideration of the question of the veto. A large number of proposals have been made on how to curtail the right to and the scope of the veto. However, further discussions of the proposals are necessary, and the permanent members of the Council maintain their opposition to restricting or curtailing their veto rights;

(h) The scope and modalities of the periodic review of an enlarged Security Council should be further considered by the Working Group;

(i) The interaction between the Open-ended Working Group and the Security Council itself has increased, and significant progress has been noted in some of the Council's working methods, in particular regarding transparency and holding of public meetings. There is even so a continued need to improve the working methods and the decision-making process of the Security Council towards greater openness, transparency and representativeness;

(j) The question of the equitable representation on and increase in the membership of the Security Council and the question of the working methods of the Security Council, the transparency of its work and its decision-making process should be considered as integral parts of a common package. This should not prevent the Security Council from implementing any improvement in the Council's working methods that has been provisionally agreed in the Working Group.

Chapter IV
Recommendations

7. At its 31st meeting, on 21 July 2000, the Open-ended Working Group concluded its work for the current session of the General Assembly. It decided to recommend that consideration of this item be continued at the fifty-fifth session of the Assembly, assessing the work done during the previous sessions and determining how the work of the Open-ended Working Group should continue. To that end, the Working Group recommends to the General Assembly the adoption of the following draft decision:

> "*The General Assembly*, having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, established pursuant to its resolution 48/26 of 3 December 1993:
>
> (a) *Takes note* of the report of the Working Group on its work during the fifty-fourth session of the General Assembly;
>
> (b) *Decides* that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third and fifty-fourth sessions, as well as the views to be expressed during the fifty-fifth session of the Assembly, and submit a report to the Assembly before the end of the fifty-fifth session, including any agreed recommendations;
>
> (c) *Also decides* that the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council should be considered during the fifty-fifth session of the General Assembly, and that the modalities for the continued work of the Open-ended Working Group be determined at that time."